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Proceedings of the Madras Government, Public Department,
7th October 1865.

No. 32. Read the following letter from Lieutenant Colonel J. TEMPLE, to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 11th September 1865.

1. I have the honor to submit, for the consideration of Government, the statements made before me, in obedience to Government Order, No. 810, Public Department, dated 2nd August 1865, and Mr. Caldwell's reply thereto.

2. The circumstances to be investigated, though more or less connected with each other, were sufficiently distinct to allow of their being kept separate for the purpose of examination. I, therefore, adopted that course, even at the risk of some repetition, as affording greater facility for arriving at a just estimate of each case, and also as enabling me more readily to prevent the entrance of irrelevant matter.

3. The first subject of inquiry was relative to Mr. Caldwell's having, or not having, wantonly and groundlessly aspersed the character of a lady, the wife of one of the Public Officers stationed at Cuddalore.

4. The aspersion is said to have been made in the course of a conversation with Mr. Reade, on the 1st September 1864, when no other person was present, and during the heat of argument. In his reply, Mr. Caldwell lays great stress on the fact of his having continuously denied having made use of the words imputed to him by Mr. Reade, viz., "that Mrs. Harrington was a very bad and improper woman, and that he (Mr. Caldwell) did not think her fit to associate with his sister," and endeavours to shew that Mr. Reade, by adapting the version to the particular circumstance of his hearer on each occasion intended deliberately to "sow broad-cast reflections on him," and further, by his subsequent communication of the whole matter to Mr. Harrington, shewed that he had not "the peace of the society of the station" at heart.

5. I attach no value at all to this last argument by Mr. Caldwell. It is very possible, indeed highly probable, that the notoriety the discussions ultimately acquired in the small station of Cuddalore, before any kind of apology had been extracted, rendered it positively the duty of Mr. Reade to place Mr. Harrington in possession of the exact facts of a matter that so nearly concerned the reputation of one closely connected with him. I believe the animus of the transaction on the part of either can more reasonably be gathered from the conduct and writings of each at the time.

6. To start from a certainty:—It is acknowledged on all sides that a discussion took place between Mr. Reade and Mr. Caldwell on the 1st September 1864, in the course of which Mrs. Harrington's name was introduced, and that it was on that occasion that the language was used by Mr. Caldwell which Mr. Reade, on the 5th of the same month, summarised thus—Mr. Caldwell "deliberately stated and repeated that he considered Mrs. Harrington a very bad and improper woman, and not fit to associate with his sister, or words precisely to that effect"; while Mr. Caldwell asserts that he merely said that Miss Caldwell disapproved of Mrs. Harrington's style and manners, especially as towards himself, which he described to Mr. Reade as playing fast and loose. The course subsequently pursued by these gentlemen must be examined to discover the animus of each.

7. On the same day, after Mr. Caldwell left his house, Mr. Reade appears to have sent for Mr. Ellis, and, on his coming, to have given him an account of the interview that had taken place with Mr. Caldwell; and Mr. Ellis, in his evidence, says that, as far as his recollection served him, he believed Mr. Reade to imply that the words "Mrs. Harrington is a bad and improper woman, with whom the society of Cuddalore declined to have any intercourse" were the gist of Mr. Caldwell's aspersions, rather than the words actually used. This evidence is important, as being a version close after the occurrence. The impression produced on Mr. Ellis' mind was that the aspersion was relating to moral impropriety, such as would make one

lady shun another, and it was of so grave a character that his first idea was that Mr. Harrington should be at once informed.

8. The next day, 2nd September 1864, Mr. Reade addressed the letter marked A, the draft of which had been previously seen and approved of by Mr. Ellis, to Mr. Caldwell. This throws further light as to the nature of the interview still but one day old. It gives evidence that the aspersion was no light and unguarded gossiping speech—no mere expression of opinion, as Mr. Caldwell urges in his reply. From this letter, it appears that Mr. Caldwell had been repeatedly pressed to explain whether the expressions were given in confidence, whether he desired the matter not to go further; but he twice declined to agree to say that such was his desire. It also shows the circumstances under which Mr. Reade consulted Mr. Ellis—a proceeding that appears to have excited Mr. Caldwell's greatest indignation, which, in his interview with Mr. Whiteside, he stigmatized with a long string of opprobrious epithets, and which, in letter marked F, he declared to be a dishonorable breach of confidence. In his reply, also, Mr. Caldwell inquires, "Is there any reason why Mr. Reade should convert himself into a champion of the lady," and urges that his own previous intimacy with Mr. Reade should have been cause sufficient to have induced Mr. Reade to follow a different course. I cannot concede to that view. Had the aspersion been left unchallenged until after Mr. Caldwell's departure, he might well have complained, but it was not so. The aspersion appears, from letter A, to have been wilful and persistent. Mr. Caldwell was repeatedly pressed regarding it, and only on failure of eleciting any satisfactory reply from Mr. Caldwell did Mr. Reade call in Mr. Ellis to his confidence.

9. I must here call the attention of Government to the fact that the letter above referred to, which was entitled to the greatest weight, as being a document penned almost immediately after the occurrence of the circumstance it alludes to, is not once noticed (for Mr. Caldwell's letter B is but a bare receipt) by Mr. Caldwell throughout the whole of the subsequent negociation, and but incidentally referred to in his reply now submitted, although it contained grave assertions entirely incompatible with Mr. Caldwell's version of the conversation it refers to.

10. Mr. Caldwell, on receipt of letter A, replied to Mr. Reade by letter B. The style of the letter is very extraordinary, and may well be called, as Mr. Reade designated it, insulting. It offers no explanation; but it contains the first proposal to hold an interview, and also contains a promise to invite Mr. Ellis to meet Mr. Reade for that purpose. It thus appears that the idea of Mr. Ellis being associated in any personal discussion (for Mr. Reade had only consulted him privately for his own satisfaction) originated with Mr. Caldwell himself. This idea of an interview, and the complete silence of the letter in reference to the question at issue, leads, I think, to the conclusion that there was more in the back ground than could be met by a simple denial of having said anything of the kind, or an assurance that his words had been limited to the mere expression of the opinion of his sister and himself, couched in ordinary language.

11. The next step to be observed took place on the 5th September. On that day, Mr. Caldwell, having returned to Cuddalore the previous night, went early in the morning to Mr. Ellis, and deliberately charged him with impertinence and unwarrantable interference. For this change in Mr. Caldwell's tenor of conduct, after promising to invite Mr. Ellis to an interview, I can conceive no reason, unless Mr. Reade's letter D be sufficient. The effect of this proceeding was to introduce another party to the affair, as Mr. Ellis was now as much aggrieved as Mr. Reade.

12. The subsequent conduct of the affair was entrusted to Mr. Whiteside, who, later in the day, associated Mr. Carr with himself. Mr. Whiteside, previous to going to Mr. Caldwell's house, learnt the facts of the case from Mr. Reade, and his statement is that Mr. Reade, in the course of explanation of the affair, complained that

Mr. Caldwell had said that "Mrs. Harrington was a very bad and improper woman, her actions were so notorious as to form the subject of bazar gossip," and "her conduct so generally known that Mrs. Whiteside and Mrs. Carr had prohibited her entering their houses." At a subsequent period, Mr. Whiteside received written instructions on the subject, marked X, containing the words "he considered Mrs. Harrington a very bad and improper woman, and not fit to associate with his sister," which Mr. Whiteside understood Mr. Reade to say were the exact terms used by Mr. Caldwell.

13. Three interviews took place on that day, the first with verbal instructions, the second with written, and the third with Mr. Carr as a witness. They appear to have been very unsatisfactory, and to have terminated without any result. But the recorded evidence of what took place affords valuable aid in estimating the animus of Mr. Caldwell at the time. There appears a strong indignation against Mr. Reade, and a persistent maintenance of innuendo against Mrs. Harrington, coupled with a strangely prompt and positive denial whenever the words "a very bad and improper woman, &c.," were made use of. Is this consistent with the explanation given by Mr. Caldwell that he had had no quarrel with the Harringtons, that he simply disliked her style, and did not wish for intimacy with them? Would he not rather have taken the opportunity distinctly and markedly to separate his quarrel with Mr. Reade from any connection whatever with Mrs. Harrington's name?

14. At the last interview, Mr. Whiteside gave Mr. Caldwell a copy of the instructions he had received from Mr. Reade, and after returning to Mr. Reade, to announce his failure, addressed the letter E to Mr. Caldwell. The perusal of this, and a second perusal of Mr. Reade's Memorandum to Mr. Whiteside, seem to have so far influenced Mr. Caldwell as to have induced him, by letter F, to place himself in Mr. Whiteside's hands, with the sole reservation of denial of the use of the words "a very bad and improper woman, and not fit to associate with my sister."

15. That this was the view taken by Mr. Whiteside and Mr. Carr is clearly shown from their evidence, and from Mr. Whiteside's letter marked G. Waiving then the question as to what were the *precise words* used by Mr. Caldwell, an apology was drawn up by Messrs. Carr and Whiteside, which was considered by them to contain a frank expression of regret for having said *anything* that Mr. Reade understood to be an aspersion on Mrs. Harrington's character, and a clear declaration that he knew nothing but what was honorable regarding her. This was forwarded by Mr. Whiteside, with letter G, to Mr. Caldwell, and received back from him with letter H, and is now appended, marked R.

16. Travelling thus far in the chain of these proceedings I am brought, I believe, fairly to the conclusion, abundantly supported by evidence, that Mr. Caldwell did wantonly and groundlessly asperse the character of a lady, the wife of one of the Public Officers stationed at Cuddalore; and had the matter terminated here, I should have been able to add that he had given a frank apology, which had been accepted, and the offence condoned.

17. But to be of any value, an apology must at least appear to have been given and received in the same spirit. In the present instance, unfortunately, such does not appear to have been the case. While Messrs. Whiteside and Carr drew it up as a "frank statement such as could be honorably signed," and Mr. Reade received it as such, Mr. Caldwell, in his letter marked Z, dated 10th October 1864, which he quotes with complacency and satisfaction in his reply, declares it to have been "qualified and evasive," and adds reasons, which, bearing in mind the animus exhibited throughout the discussion, almost amount to a re-iteration of the original aspersions.

18. I pass on now to the consideration of the second subject of inquiry, viz. "with having grossly and deliberately insulted the Civil and Session Judge, Mr. Ellis."

19. The main facts of the case are not disputed. Mr. Caldwell lays stress on having made use of the words "meddling and dangerous," not "mean and treacherous," and gives a different version of the matter referring to Mr. Pugh. He seems also to think that the main impropriety on his part was his having gone to Mr. Ellis' house for this purpose. Had he met Mr. Ellis any where else, and used the language he did, he seems to think he would have been quite in order.

20. There is little to be said in reference to such a reply. The insult was gross and deliberate, it exhibited an utter want of acquaintance with the usages of society, and an absence of all recognition of what was due to Mr. Ellis, as one of the Chief Officers of the Government at the station.

21. As in the previous case, negociations were carried on, which terminated with an apology supposed by the one side to be a frank recognition of the offence, and an expression of regret, but by the other designedly consented to as equivocal and evasive.

22. The offence, therefore, which it refers to, seems to me to remain as before, or rather to be enhanced by the addition of what is little short of a moral fraud, and is moreover an insult to the negociators, as much as to Mr. Ellis.

23. The third subject of inquiry was "having defamed the character of Mr. Ellis and that of Mr. Harrington, the Executive Engineer, by accusing the one of having offered, and the other of having accepted, a bribe, as an inducement to the latter to slander him, Mr. Caldwell.

24. In reference to this subject, I experience great difficulty. That the interview between Mr. Clarke and Mr. Caldwell took place there is no doubt; and that at that interview the character of gentlemen of the Services was brought under discussion is evident from Mr. Caldwell's note, marked T. Mr. Caldwell also, in his reply, admits having stated that Mr. Ellis had given Rupees 300 to the Harringtons, on the occasion of their going to Tranquebar.

25. But I am embarrassed by Mr. Clarke's statement that this assertion had no connection with any thing that preceded it, that it was brought in without any thing to lead to it. That words were used by Mr. Caldwell, which coupled with his manner, tone, &c., produced on Mr. Clarke's mind the impression that he expressed to Mr. Reade in his letter of two days later date, is plain; but in the absence of more information as to the other incidents of the time, I feel that I cannot arrive at a positive conclusion that the words used did really amount to the full gravity of the charge.

26. In connection with this inquiry, I have the honor to enclose manuscript documents marked consecutively from A to H and from Z to Q connected with this inquiry, and two protests by Messrs. Reade and Caldwell.

27. I also forward a letter to your address from Mr. Caldwell, objecting to the exclusion of certain questions which he proposed, and to which he refers, as relating to the antecedents and character of the persons examined, and would merely remark that, after associating with these gentlemen on terms of friendship up to the date of these quarrels, I did not consider that he had any right to attempt to show that they were then, and for some time previously, unworthy of credence.

Proceedings of the Madras Government, Public Department,
1865.

Record of an enquiry conducted under instructions of Government conveyed in Order, No. 810, Public Department, dated 2nd August 1865.

(Dated 14th August 1865.)

The order of Government was read by Lieutenant Colonel Temple in the presence of—

Mr. C. W. Reade.
,, W. S. Whiteside.
,, G. Ellis.
,, E. C. Caldwell.
Major J. C. Clarke.

After which all retired except Mr. C. W. Reade.

Mr. C. G. Walker, Under Secretary to Government, in attendance.

Mr. Reade is requested to commence his statement relative to the first matter to be enquired into, as recorded in the following words of the Government Order, "with having wantonly and groundlessly aspersed the character of a lady, the wife of one of the public officers stationed at Cuddalore."

Mr. Reade states :—

I did not come here prepared to make any formal statement in the matter to which the question relates. I am, of course, quite prepared to answer any questions as far as my memory enables me, so far as the matter bears on the subject of Mr. Ellis's and Mr. Clarke's representation against Mr. Caldwell. For what Mr. Caldwell said to me, or is supposed to have said to me, affecting Mrs. Harrington, I hold Mr. Caldwell's apology in his own hand-writing, and which was considered by myself and by my friend Mr. Whiteside, who negociated on the occasion, ample. I am, therefore, unwilling, unless pressed to do so, to revive a matter which I considered finally closed; especially as a lady's name is concerned in the matter.

Mr. Reade produces the apology he refers to, which is acknowledged by Mr. Caldwell to be in his hand-writing, and marked R.

Question by Lieutenant Colonel Temple.—To what representations made by Mr. Ellis and Mr. Clarke do you refer ?

Answer.—I allude to the representation made by Mr. Ellis, which is recorded in the Proceedings of Government No. 473, dated 5th May, and to that made by Mr. R. G. Clarke, recorded in the Proceedings of Government, No. 549, dated 25th May.

By Mr. Caldwell.—Does Mr. Reade withdraw the accusation that I slandered or used slanderous aspersions with reference to Mrs. Harrington ?

Answer.—If the question is meant to ask me whether Mr. Caldwell did or did not asperse Mrs. Harrington's character, I unhesitatingly state that he did so asperse it ; but, having received his apology as above stated, I do not appear here as Mr. Caldwell's accuser in the matter.

By Mr. Caldwell.—What is the slander of which I am accused ?

Answer.—It is so many months ago that I cannot give all Mr. Caldwell did say to me affecting Mrs. Harrington, but there are expressions which I perfectly recollect, and which were "that she was a very bad and improper woman," and that he (Mr. Caldwell) "did not think her fit to associate with his sister," Miss Caldwell. A good deal more passed between us on the subject, on my telling him that I could not allow Mrs.

Harrington to be spoken of in that way in my presence. Mr. Caldwell was very excited and irritated at the time, owing to other matters which passed between us, and which, I believe, was the immediate object of the interview. I, therefore, took no further notice of the matter until after Mr. Caldwell had left my house.

By Mr. Caldwell.—Does not this charge amount merely to an expression of opinion?

Answer.—Certainly not, in the way in which Mr. Caldwell told me of it, though I knew that such an opinion was held by no soul in the place but himself; and it was the first time that I had heard the breath of slander or calumny touch her name.

By Mr. Caldwell.—Was anything more alleged against me at the time, that Mr. Reade does not recollect at the present moment?

Answer.—I may mention that Mr. Caldwell said that "it was notorious in the bazaar that Mrs. Harrington was a bad woman; that every one spoke of it;" on which I expressed my extreme indignation, and surprise that he should listen to any rumours from natives affecting European gentleman or ladies, and (I very reluctantly mention it) Mr. Caldwell mentioned Lieutenant Whish of the Royal Engineers (who when very sick, had been staying with Mr. and Mrs. Harrington) hinting at an improper intimacy. Knowing as I did that Mr. Whish, while staying with the Harringtons, was supposed to be in a dying state, and, as it was believed, but for their care he would certainly not have lived, I repudiated the matter with indignation, and mentioned this to Mr. Caldwell. Mr. Caldwell replied "Oh, he got better and was frequently driving out with her", or something to that effect.

By Mr. Caldwell.—Has this last charge been anywhere recorded against me?

Answer.—Not to my knowledge. Immediately after Mr. Caldwell leaving my house, I called in my friend, Mr. Ellis, to consult with him. The result of our conferences was that I addressed Mr. Caldwell the letter marked A, in the printed copies of correspondence.

The letter marked A is admitted by Mr. Caldwell and Mr. Reade, as a correct copy, if the original, which is in Mr. Caldwell's possession, cannot be found.

By Mr. Caldwell.—Did I not press for a written statement of any charges containing a specification of the alleged slander before I would consent to give a written reply?

Answer.—Not to me. He may have done so to Mr. Whiteside. I received no reply to the letter A, beyond the letters B and C in the printed correspondence.

The printed copies are accepted by Mr. Caldwell and Mr. Reade as correct, if the originals, which are in Mr. Reade's possession, cannot be found.

Was not Mr. Whiteside, acting on behalf of Mr. Reade, instructed to demand of me a written apology to a verbal statement?

Answer.—I called in Mr. Whiteside to act on my behalf, and to require an apology from Mr. Caldwell, I meant a written one. I gave him no written statement as far as I can recollect.

By Mr. Caldwell.—Did Mr. Reade not instruct Mr. Whiteside, when acting on his behalf, to refuse a written statement specifying the charge?

Answer.—No. I do not recollect anything of the kind.

By Mr. Caldwell.—Is Mr. Reade prepared to state that Mr. Whiteside was not so instructed, or is it merely that he forgets?

Answer.—I am not prepared, at this distance of time, to make such a statement; but, to the best of my belief, nothing of the kind occurred.

By Mr. Caldwell.—Was not Mr. Carr sent to witness the reading of a document to me by Mr. Whiteside, which Mr. Whiteside was instructed not to leave with me, but to bring away with him?

Answer.—I quite recollect that I drew up a paper, which I believe was a form of apology, which I gave to Mr. Whiteside to require of Mr. Caldwell; and I think, on that occasion, Mr. Carr also went with Mr. Whiteside at Mr. Whiteside's request, to which I agreed, considering it advisable. It is true that I instructed Mr. Whiteside to bring back my draft paper as above, if Mr. Caldwell refused to sign it.

By Mr. Caldwell.—Was Mr. Whiteside instructed by Mr. Reade to take a witness with him to witness the reading of a document to me on that occasion, and to bring it back unconditionally?

Answer.—To the best of my recollection Mr. Whiteside was not so instructed, and he was not told to bring back the document unconditionally; at the same time I quite agreed on the advisability of Mr. Carr's being present on that occasion.

By Mr. Caldwell.—What was to be the object of Mr Carr's accompanying Mr. Whiteside in which Mr. Reade concurred?

Answer.—As a witness to whatever might take place between Mr. Whiteside and Mr. Caldwell on the occasion; not for any specific purpose. I know of no other purpose. He simply went as a witness.

By Mr. Caldwell.—Is Mr. Reade satisfied that the document to be read to me was a draft of an apology?

Answer.—To the best of my recollection it was the draft of a form of apology.

By Mr. Caldwell.—Is Mr. Reade satisfied that it was a paper which I could sign?

Answer.—It was a paper which I required of him, the signing of which was left for him to determine.

By Mr. Caldwell.—Was it for the purpose of witnessing that a demand was made for my signature to the document above alluded to, that it was considered advisable to have a witness?

Answer.—I have already stated that Mr. Carr accompanied Mr. Whiteside to witness both as regarding the above document, and to anything else that might take place between Mr. Whiteside and Mr. Caldwell.

By Mr. Caldwell.—Was not the object of having a witness present, to prove that an apology had been demanded from me, while, at the same time, I was not to have in my hands any document to shew what the charges were for which I had apologized?

Answer.—Nothing of the kind entered my thoughts. Mr. Carr simply went as a witness in regard to the document and to what took place between Mr. Whiteside and Mr. Caldwell.

By Mr. Caldwell.—Mr. Reade has stated that the slanderous expression used by me, in reference to Mrs. Harrington, was "that she was a very bad woman." Is Mr. Reade prepared to say that, in the statement which he calls a draft form of apology, even this charge was not softened down by an expression which conveyed an idea that I only expressed an opinion?

Answer.—I have no recollection of the contents of the document, but it is quite possible that in what I wrote I may have softened down matters as much as possible, for the sake of peace and quietness, and it was with that view that I wrote the original quiet and peaceable letter A, in the printed correspondence, and to which, if Mr. Caldwell had replied in the same spirit, there would have been no need for all the subsequent unpleasant proceedings. I believe Mr. Whiteside has my original draft.

Mr. Caldwell produces a paper as a copy of Mr. Reade's instructions to Mr. Whiteside, which is accepted by Mr. Reade as a true copy and marked X.

By Mr. Caldwell.—Were any other charges recorded against me which I was called on to withdraw, and for which I was called on to apologize, in the matter of the alleged slander of Mrs. Harrington, except the one in the paper I have now produced?

Answer.—To the best of my knowledge, none.

By Mr. Caldwell.—Mr. Reade has stated above, in answer to a previous question, that I said "Mrs. Harrington was a bad and improper woman;" and, in the way in which I told him, he understood it not to convey the mere expression of an opinion. In the only tangible charge which I was called upon to withdraw, and for which to apologize, is not the expression of an opinion clearly conveyed?

This question being considered within the province of Government to decide, was not allowed to be put; but Mr. Reade made no objection to its being put.

15th August 1865.

Mr. Reade produces the original letters B and C of the printed correspondence.

By Mr. Caldwell.—When was Mr. Reade appointed as Collector of South Arcot, and how soon after did he become acquainted with my sister and myself?

Answer—I was appointed to South Arcot in February 1862. I took charge of my Office on the 4th March following. A few days after I became acquainted with Miss Caldwell, who, only, was in the place. When her brother returned, as far as I recollect, about a month after, I made his acquaintance.

By Mr. Caldwell.—Did Mr. Reade not, from that time, continue for a considerable period to be a frequent visitor at our house when at Cuddalore?

Answer.—When at Cuddalore I frequently visited at Mr. Caldwell's house.

By Mr. Caldwell.—Were not our relations with Mr. Reade of an intimate and confidential character?

Answer—I consider my relationship with Mr. and Miss Caldwell was that of intimate acquaintanceship; nothing confidential about it.

By Mr. Caldwell.—Did not Mr. Reade freely and frequently express himself about persons at the Station, to myself and my sister?

Answer.—I was generally very guarded in speaking of other people before Mr. and Miss Caldwell, especially latterly, when I came to know more of them; and I have, on more than one occasion, checked both Mr. and Miss Caldwell in their expressions of opinion about people; at the same time it is possible, during the early part of my acquaintance, that I may have said things which were injudicious; as one often does when in friendly intercourse.

Mr. Caldwell objects to the words "I have on more than one occasion checked both Mr. and Miss Caldwell in their expressions of opinion about people" being recorded, as he considers it involves a new charge.

By Mr. Caldwell.—Did Mr. Read not do so in writing, as well as in the course of conversation?

Answer.—I really cannot charge my memory with anything that I may have written of people, either to Mr. or Miss Caldwell. But I am, of course, prepared to acknowledge anything that I have written.

Mr. Caldwell proposes to produce certain letters.

Mr. Reade protests.

The letters, under instructions from Government, are not received.

By Mr. Caldwell.—Was the intimacy between Mr. Reade and myself a close intimacy?

Answer.—It was an intimate acquaintanceship, not amounting on my side, especially latterly, even to intimate friendship; and one proof of this I may mention, that the use of the prefix "Mr." in all our intercourse, whether by writing or verbal, has never been dropped.

By Mr. Caldwell.—Is Mr. Reade prepared to state that he never, whether in speaking or writing, made use of expressions calculated to lead me to that impression?

Answer.—It is possible that, both from my speaking and writing, Mr. Caldwell may have assumed that the terms, on my part, were those of intimate friendship, and there has been a reason for this. Mr. Caldwell has shewn me very marked kindness, on one or two occasions: kindness which at the time quite took me aback, and which I should hardly have expected from a most intimate friend. He has also been, and his sister, extremely hospitable; and, I may say, overwhelming, in his civilities to me; and, appreciating them as I did in the spirit and the motive which I believed at the time had influenced them, I believe I have expressed myself grateful correspondingly, and as at the moment I really felt; and which expressions may have been quite calculated to lead to such an impression in reference to the occasion on which they were used.

Under instructions from Government Mr. Caldwell is informed, that the question of the intimacy, or otherwise, existing between himself and Mr. Reade at the time of the slander alleged to have been uttered against Mrs. Harrington, is not relevant to the question.

By Mr. Caldwell.—Was not Mr. Reade under pecuniary obligations to me, on more than one occasion; and did he not owe me a large sum of money at the time he accused me of slandering Mrs. Harrington?

Not put.

By Mr. Caldwell.—Does Mr. Reade remember what led me to go to his house on the occasion of the alleged slander?

Answer.—I do perfectly.

By Mr. Caldwell.—Will Mr. Reade specify the cause?

Answer.—The cause of Mr. Caldwell coming to me on the occasion in question was owing, previously, to the cessation of all intercourse between Miss Caldwell and myself, which had occurred during his absence from Cuddalore. I had written to him of the occurrence, and that I had felt myself precluded from any further acquaintance with his sister; to which note of mine he had replied; and his object in coming over to me was to bring about a reconciliation, and to induce me to withdraw my resolve not again to meet his sister, or to go to his house.

By Mr. Caldwell.—What ground has Mr. Reade for believing such to have been the object?

Answer.—When Mr. Caldwell came over to me I commenced the conversation with reference to a note I believe I had written him the day before, on some educational matter, to which, as far as I recollect, I received no answer; which made me think, at first, that, that was the object of his coming, but very soon after he began about the differences between his sister and myself; the particulars of which I should prefer not to mention, unless Mr. Caldwell wishes it; and the ground I have for believing that he had come over for the above purpose was from what he himself stated.

By Mr. Caldwell.—Is Mr. Reade prepared to deny that he wrote three notes to me on the subject of the Depôt School affairs of an embarrassing nature, and that he received three replies from me before it was proposed that the Depôt School affairs should be discussed at an interview? Was not the ostensible object of the interview for the discussion of these affairs?

Not put.

By Mr. Caldwell.—Did Mr. Reade not say that the peculiarities of my sister's temper precluded an acquaintanceship with her?

Not put.

By Mr. Caldwell.—Did I not, in reply, ask him to let her alone?

Not put.

Mr. Caldwell offers a letter which he states to be that written to him by Mr. Reade, and alluded to above, relative to the differences between himself and Miss Caldwell.

Not received.

By Mr. Caldwell.—Does Mr. Reade produce the reply?

Not put.

By Mr. Caldwell.—Was not this subject introduced before Mrs. Harrington's name was mentioned?

Answer.—As far as I recollect, quite so. It was.

By Mr. Caldwell.—Was it not Mr. Reade who first mentioned Mrs. Harrington's name?

Answer.—Certainly not, to the best of my recollection.

By Mr Caldwell.—Did not Mr. Reade ask me the question whether my sister disliked Mrs. Harrington?

Answer.—It is quite possible I may have done so, in the course of conversation. If I did, it was brought about by some observation of Mr. Caldwell's; and I have heard Miss Caldwell, on several occasions, speak disparagingly of Mrs. Harrington, which, of course, had never before passed my lips.

By Mr. Caldwell.—About what time, or before what time, were these observations, that Mr. Reade alludes to as from Miss Caldwell, passed on Mrs. Harrington?

Not put.

By Mr. Caldwell.—Was not the gist of the conversation, so far as regards Mrs. Harrington, as follows:—

Mr. Reade asked me. Did not my sister dislike Mrs. Harrington? I stated that I was not aware of my sister entertaining any personal dislike against Mrs.

Harrington, but that she disapproved of her style and manners. She disapproved more especially of Mrs. Harrington's manner towards myself, which I characterised as playing fast and loose; and, so far from stating that Mrs. Harrington was unfit to associate with my sister, I stated that it was both my own and my sister's wish that we should meet on terms of courtesy, but that I did not wish for a close intimacy with them; also that Mrs. Harrington had, herself, decided the question by cutting my sister?

Answer.—Clearly not, as sufficiently proved by letter A, written by me to Mr. Caldwell; and which letter he has admitted, and to which I have never received any appropriate reply, as already stated by me. It is also proved by the apology given to me in Mr. Caldwell's own hand-writing, which I have put in; and also, further, by a letter addressed by Mr. Caldwell to Mr. Whiteside, marked H, in reply to one marked G, from Mr. Whiteside to him.

Mr. Caldwell states that if possible he will produce the original of G, but in its absence cannot accept the printed copy as correct.

16th August.

Mr. Caldwell refers to letter F of the printed correspondence, which is accepted as substantially correct, by both Mr. Caldwell and Mr. Reade.

By Mr. Caldwell.—Was the passage in the note I now refer to, viz:—"To this statement of Mr. Reade's I give the most unqualified denial," brought to Mr Reade's particular notice?

Answer.—The letter was put into my hands, or sent to me, by Mr. Whiteside; therefore, of course, the passage referred to in the question particularly attracted my notice.

By Mr. Caldwell.—In my letter to Mr. Whiteside, are the words "to this I will add my judgment that it was a dishonorable breach of confidence on the part of Mr. Reade to make a private conversation the subject of discussion with other parties." Is that the passage referred to by Mr. Reade, otherwise stated, in a note by Mr. Reade in page four, as "mentioning what might have passed at a private interview."

The note by Mr. Reade is not allowed to be put in, and the question is not put.

By Mr. Caldwell.—Did Mr. Reade hold it to be a duty to interpose on behalf of the reputation of Mrs. Harrington in this case?

Answer.—I certainly did. A most sacred duty; considering the manner in which her reputation had been aspersed in this instance by Mr. Caldwell, and in view of my very long friendship with Mrs. Harrington's family. I would like to add, that this, I consider, is sufficiently explained in my letter A to Mr. Caldwell.

Mr. Caldwell offers a copy of a letter from Miss Caldwell to Mr. Reade, written prior to the occurrence of the alleged slander, which he asserts he believes will tend to elucidate the animus with which Mr. Reade acted, and proposes to ask:—

Did Mr. Reade receive the letter?

Not allowed to be put in, and question not put.

Mr. Caldwell offers to put in Mr. Reade's Memorandum at page 30 of the printed correspondence; and, with reference to the 2nd paragraph, offers to challenge

Mr. Reade's unqualified denial of every other part of that statement, and offers proof of the several allegations therein contained.

Not received.

By Mr. Caldwell.—After having accepted my apology, did Mr. Reade hand the papers connected therewith to Mr. Harrington, and with Mr. Ellis' knowledge.

Not put.

By Mr. Caldwell.—Was Mr. Harrington made acquainted with the matter, and at what time after the occurrence took place?

Not put.

By Mr. Caldwell.—After receipt of my apology, were the letters connected with this matter, and others, sent to Mr. Clarke at Tranquebar, by Mr. Reade, or with his authority or knowledge?

Not put.

The instructions of Government, that certain questions proposed by Mr. Caldwell, and considered irrevelant, are not be recorded, is communicated to Mr. Caldwell.

Mr. Caldwell offers a letter which, he states, was written by Mr. Reade after his interview with him on the 1st *September* 1854, *in reply to one which he had written to Mr. Reade, and before Mr. Reade wrote the letter A, and states that it contained no reference to the interview.*

Not received.

Mr. Reade withdraws.

Mr. Ellis comes into the room, and is requested to state any particulars within his knowledge, relative to the alleged aspersion of Mrs. Harrington.

Mr. Ellis states :—

I must first premise that I was not present at the conversation between Mr. Reade and Mr. Caldwell; and, of course, anything I may state which may differ from the statement Mr. Reade has given of the conversation which took place between Mr. Caldwell and himself, must be attributed to its being the account of a conversation which took place eleven months ago, and, therefore, not likely to be as accurate as a conversation given a short time afterwards. To the best of my belief, I think about the 1st September 1864, Mr. Reade wrote me a note, saying that he had had an interview with Mr. Caldwell, in which Mr. Caldwell had behaved in a very extraordinary manner, and requested I would come over to him. On my going over, Mr. Reade stated that the conversation had commenced on matters entirely foreign to the subject which is now being enquired into. Following that conversation, Mrs. Harrington's name had been introduced; and that Mr. Caldwell had stated that Mrs. Harrington was "a bad and improper person, with whom the society of Cuddalore declined to have any intercourse." I cannot, at this interval of time, actually specify what particular impropriety of conduct was attributed to Mrs. Harrington by Mr. Caldwell, as reported to me by Mr. Reade; but, I could only conclude from the manner in which Mr. Reade spoke to me, that it was a moral impropriety, such as would make one lady shun another. Mr. Harrington is a very old friend of mine, as was his father before him, and I was exceedingly angry that anything of this kind should have been said of the lady; and, so far as I can recollect, my first advice to Mr. Reade was to tell Mr. Harrington, who would be able to deal with such insults as they deserved. On thinking over the matter, however, I was of opinion

such a course would cause needless scandal, and drag forward a lady's name in a manner that every right-minded person would wished to avoid, and I, therefore, thought an opportunity should be given to Mr. Caldwell to retract the aspersions that Mr. Reade had told me he had made on Mrs. Harrington's character; and I suggested that Mr. Reade should write to him in those terms, and add, that this was a course no gentleman would object to adopt; premising, of course, that these aspersions had been made by Mr. Caldwell, and that they had been made under very great irritation. I then left Mr. Reade's house and went, I think, to my own court. Shortly afterwards, I think, on the same day, Mr. Reade sent a draft of a letter he proposed to send to Mr. Caldwell, which, I think, is the original of the letter marked A in the printed correspondence. I approved of the letter, merely stating that it was a little longer than necessary. I am not aware that I suggested any alterations. This letter was replied to by the letter marked B, which was received one or two days after. I happened to be in Mr. Reade's house when it was received. Afterwards Mr. Reade wrote the letter D. On the following Monday morning an interview took place between Mr. Caldwell and myself. In consequence of what passed at that interview I sent for Mr. Reade, and, subsequently (Mr. Reade having been already mixed up in this altercation with Mr. Caldwell,) I sent for Mr. Whiteside. I had already, before Mr. Whiteside's arrival, told Mr. Reade what had passed between myself and Mr. Caldwell; and, after consultation with Mr. Whiteside, I requested him to go to Mr. Caldwell and demand an apology for his conduct to me. Mr. Whiteside, to the best of my belief, returned saying that Mr. Caldwell declined to apologise. I think Mr. Whiteside called at the Court with Mr. Caldwell's first answer. From my court I went to Mr. Reade's house. I then told Mr. Whiteside, in the presence, I think, of Mr. Reade, that unless Mr. Caldwell apologised in themost unqualified manner on three specific points, I should bring his conduct to the notice of His Excellency the Governor. At the same time Mr. Reade desired Mr. Whiteside to demand an apology from Mr. Caldwell for the aspersions he had used against Mrs. Harrington. In what terms this apology was to be couched, I cannot, at this distance of time, recollect; but the subject was discussed, and a form or instructions for an apology was either taken in writing by Mr. Whiteside, or given in writing to him by Mr. Reade. Mr. Whiteside then returned from his second interview with no better success than the first; stating that Mr. Caldwell was very impracticable. On this it was determined that Mr. Whiteside should go again, and it was suggested that it would be more satisfactory to himself were he to be accompanied by a friend. I forget whether that suggestion was from himself, or made by us. He accordingly went to the court of Mr. Carr, and, I think, took him direct to Mr. Caldwell's house.

By Lieutenant Colonel Temple.—Did you infer, from Mr. Reade's account of his interview with Mr. Caldwell, that the introduction of Mrs. Harrington's name was incidental to other topics, or had it been the chief subject of the conservation when the aspersions on her character were uttered.

Answer.—So far as I can recollect, Mrs. Harrington's name had been introduced in the course of some other discussion between Mr. Caldwell and Mr. Reade.

By Lieutenant Colonel Temple.—In his account, did Mr. Reade give you to understand that Mr. Caldwell actually said the words "Mrs. Harrington is a bad and

improper woman" or words to that effect; or, did you gather that Mr. Reade was giving you that as the gist of what Mr. Caldwell had been saying.

Answer.—As far as my recollection can now serve me, at the time that Mr. Reade gave me this account, I was under the impression that Mr. Reade considered that to be the gist of what Mr. Caldwell had been saying in regard to Mrs. Harrington.

By Lieutenant Colonel Temple.—Did you gather from Mr. Reade's account that the state of irritation in which he said Mr. Caldwell was, commenced prior to or at the time of the aspersions being uttered?

Answer.—Prior to their utterance.

By Mr. Caldwell.—Was Mr. Ellis made aware that I denied the truth of Mr. Reade's allegation?

Answer.—Certainly. I was made aware of it. That I was led to infer, not only from the apology, which I concluded to be tantamount to a denial of his having made such aspersion, but also, by having been shewn about six weeks afterwards a letter of Mr. Caldwell's, which I now put in.

A letter from Mr. Caldwell to Mr. Whiteside, dated 10th October 1864, is put in and marked Z, and the portion repeating the denial of the aspersions is read.

By Mr. Caldwell.—Was Mr. Ellis made aware that I had given a denial before giving the apology.

Answer.—Yes. I was made acquainted by Mr. Whiteside of his having received the letter marked F, in which is contained a denial of the aspersion.

The original letter dated 6th September 1864, marked F, from Mr Caldwell to Mr. Whiteside, is put in.

By Mr. Caldwell.—Did Mr. Ellis understand that Mr. Reade accepted that apology as satisfactory?

Answer.—I should say, certainly. Mr. Whiteside was the negociator, and stated that the apology was one that Mr. Caldwell could with propriety make and Mr. Reade receive.

By Mr. Caldwell.—After the apology was so accepted, were the papers, with Mr. Ellis' knowledge and concurrence, handed over to Mr. Harrington?

Not put.

By Mr. Caldwell.—Were they subsequently, with Mr. Ellis' knowledge or concurrence, sent down, either directly or through the Harringtons, to Major Clarke?

Not put.

Mr. Ellis withdraws.

Mr. Whiteside enters the room, and is requested to state any particulars within his knowledge, relative to the alleged aspersion of Mrs. Harrington.

Mr. Whiteside states :—

The first I heard of the altercation between Mr. Reade and Mr. Caldwell was on the 5th September 1864, in connection with another dispute between Mr. Ellis and Mr. Caldwell. On the morning of that day Mr. Ellis had written asking me to go to his house, and when I went there found Mr. Reade there also; and then I heard what had taken place between him and Mr. Caldwell. I also had an interview with Mr. Reade at his own house, and he then showed me divers letters. Mr. Reade desired me to go to Mr. Caldwell, and to demand that he should either withdraw the statements he had made with reference

to Mrs. Harrington's conduct, and apologise for them, or, consent to a meeting at Mr. Reade's house, and produce proof of his allegations. These instructions were at first verbal. I went to Mr. Caldwell and had a very long interview, and I feel a very great difficulty in giving an accurate account of the conversation which took place; partly on account of the length of time that has elapsed since it took place; and partly because Mr. Caldwell was very excited and diffuse, and I found it very difficult to keep him to the point. He used violent language with reference to Mr. Reade, as regards the point at issue concerning Mrs. Harrington. I found it very difficult indeed to discover, from Mr. Caldwell's own words, what he admitted having said about her. Mr. Reade had said to me, that Mr. Caldwell, in his conversation with him, had said that Mrs. Harrington was "a very bad and improper woman;" that "her actions were so notorious as to form the subject of bazar gossip;" and that "her conduct was so generally known that Mrs. Whiteside and Mrs. Carr had prohibited her entering their houses." Mr. Caldwell, when I repeated these statements to him, denied, flatly, ever having said anything of the kind. Then I pointed out that, whatever he did say, he had most certainly induced Mr. Reade to believe that he had aspersed Mrs. Harrington very seriously, and that he still continued to leave Mr. Reade under that impression; for, when Mr. Reade wrote a very friendly letter requesting him to explain himself, he, so far from disabusing Mr. Reade of the mistake under which he was laboring, consented in writing to the meeting which Mr. Reade had demanded for the purpose of discussing the matter. I said, I considered he was bound to apologise to Mr. Reade for having so misled him. This he refused to do. Then, if that were so, I said he should agree to the interview proposed and prove his statements. This he refused; at first on the alleged ground that it would seem as if a Commission was held upon him. After a long time he consented to the interview, provided that it was held in his house and in the presence of his sister. I pointed out to him that such a course was very indecent. Ultimately he said he would not insist upon his sister being present, but that it must be in his own house. I went to Mr. Reade's house. This terminated my first interview with Mr. Caldwell, on that day; for altogether I had three.

17th August 1865.

Mr. Whiteside resumes his statement.

I wish to add a few words as to what passed at the first interview. Yesterday I chiefly stated the purport of what I had said. I ought to mention one or two observations which I particularly recollect as having been made by Mr. Caldwell. The first one was that when I first said to Mr. Caldwell that Mr. Reade had accused him of aspersing Mrs. Harrington's character, and mentioned to him the particular expressions that Mr. Reade imputed to him, Mr. Caldwell flatly denied having said anything of the kind. I then said that, if that was so, he would, of course, have no objection to state in writing that he had not intended to asperse Mrs. Harrington's character, and that he know nothing that was detrimental to her reputation. Mr. Caldwell refused to certify that she was a proper woman, that was the expression he used. When I asked him how, he went on to say that he specially alluded to her having been seen driving in the evening in her carriage with a young Officer staying in the house. During the course of the same interview, Mr. Caldwell, in a rambling and very excited manner, did, virtually, repeat to me, nearly the whole of

the accusations against Mrs. Harrington that Mr. Reade had previously ascribed to him. I wish particularly to mention an expression that Mr. Caldwell repeated very many times during the day, with reference to Mr. Reade's conduct towards him. He repeated those words so often that they are fixed upon my memory, and I am positive as to their accuracy. They were, "I do not wish to use strong language, but I must say that any thing more brutal, any thing more mean, low, disgraceful, disreputable, dishonorable, ungentlemanly, than Mr. Reade's conduct to me, I never knew." I think that is all that passed at the first interview. I returned to Mr. Reade's house. I saw Mr. Reade; and he altogether refused to have the interview at Mr. Caldwell's house. He expressed himself as ready to have the meeting at any common friend's in the Station. In case of Mr. Caldwell's refusing, I was instructed to press for an apology to the purport contained in a written paper which was then placed in my hands. I took this to Mr. Caldwell, and the second interview was almost identical with the first. It was very long, and Mr. Caldwell went over the ground, again and again. I was very anxious to end the matter in a friendly manner, and I did my best to persuade Mr. Caldwell to come to some arrangement. I found him very impracticable; and all I could get him at last to promise, was, that if Mr. Reade would come to his house for the meeting, that Miss Caldwell should confine herself to her room, and should not take part in the discussion. I felt certain that Mr. Reade would not agree to the terms that Mr. Caldwell had proposed. I went back again and told him all. Mr. Ellis was there; and, after some deliberation, it was decided that I should go back again to Mr. Caldwell, with an ultimatum, to the effect that unless he would consent to withdraw the remarks and apologize for them within a certain stipulated time, Mr. Reade would inform Mr. Harrington of the language that had been used in reference to his wife, and leave him to take such notice as he thought fit. I then objected to go a third time, alone, because Mr. Caldwell, in the course of the two long interviews that I had already had with him, made so many statements, and subsequently denied them, that I felt somewhat anxious lest if this matter should ever come up as it has now, before a formal inquiry, I should have no evidence to corroborate my statements. Mr. Reade, and Mr. Ellis agreed to my taking some person with me as a witness of what took place. I then said I should like to call in Mr. Carr. They consented, and I went to Mr. Carr's court. I called him out and told him what was going on, and what was wanted of him. He agreed to come with me. We went to Mr. Caldwell's house, and I especially introduced Mr. Carr, as having come as a witness to what was about to pass between us. I then went over the old ground again. The same arguments were reiterated. Mr. Caldwell again repeated the same observations on Mr. Reade's conduct, that I have stated before. Mr. Caldwell still continued to insist upon the inquiry being held at his own house. He said he would be found there until five o'clock that evening; at which time he would leave Cuddalore. It was very nearly five o'clock when we left Mr. Caldwell's house, and got back to Mr. Reade's. As I had expected, Mr. Reade altogether refused to concede to the proposal that the conversation should be held in Mr. Caldwell's house. I was then desired to write to Mr. Caldwell to that effect, and a letter was written and sent over to his house. It was brought back in a few minutes, with word that Mr. Caldwell had left Cuddalore and had gone to Punrooty. I then sent the letter after him. This is a copy of the letter, and is marked E.

Mr. Whiteside puts in a copy of letter E, of the printed correspondence, which Mr. Caldwell accepts; also offers to produce the original, when he can find it.

The next day I received a letter from Mr. Caldwell, which is No. F of the printed correspondence. The day after that I replied by letter G of the printed correspondence, enclosing two forms of apology, to which letter H, with, as its enclosures, two papers, one of which was the apology written verbatim as I had drafted, was the reply.

Mr. Whiteside puts in original of letter H.

By Lieutenant Colonel Temple.—Was the gist of the written instructions which you took with you on your second interview discussed in your presence.

Answer.—Yes. It was thoroughly discussed.

By Lieutenant Colonel Temple.—From Mr. Reade's account of the interview which took place between himself and Mr. Caldwell, when the alleged slander took place, were you led to understand that the words in the accompanying instructions (*the copy received from Mr. Caldwell is shewn*) were actually made use of, or were the gist of other slanderous expressions?

Answer.—I understood him to mean that those were the very words that Mr. Caldwell made use of, and at which he took umbrage.

By Lieutenant Colonel Temple.—Did Mr. Reade give you any direction relative to the written instructions?

Answer.—I was to bring back the original, but I gave Mr. Caldwell a copy on my own responsibility. I am not sure whether at the second, or the third, interview.

By Lieutenant Colonel Temple—Did you consult with Mr. Reade, when drawing out the form of apology which you proposed to Mr. Caldwell for signature.

Answer.—No I did not consult with Mr. Reade on the form, but I may have shewn either the apology or a draft of it before I received it back from Mr. Caldwell, and Mr. Reade made no objection to it.

By Mr. Caldwell.—Was not my objection to give Mr. Reade a written apology, that I would not reply in writing to a verbal statement.

Answer.—Mr. Caldwell did, I believe, at the first interview, state that he would not give a written reply to a verbal statement; and it was with reference to that statement that my written instructions were prepared, of which I gave Mr. Caldwell a copy.

By Mr. Caldwell.—Was not my objection to leave my house to the effect that I would not go out of my own house to be called to account.

Answer.—Yes. Mr. Caldwell said that he objected to go out of his own house, as it would seem as if a Court of enquiry was held upon him.

By Mr. Caldwell.—Was Mr. Whiteside aware that I mentioned my own house as the place of meeting in my reply marked B.

Answer.—I had seen the letter, but did not notice the particular passage.

By Mr. Caldwell.—Was there any delay or misunderstanding after the discussion began to be carried on in writing.

Answer.—There was no particular delay, except that caused by Mr. Caldwell's movements in the district. Mr. Reade had fixed 24 hours as the time within which Mr. Caldwell's answer must be received; and I was aware that he was prepared to carry

out what he had said he would do. I did not receive Mr. Caldwell's final reply until the 24 hours had almost expired.

18*th August* 1865.

Mr. Carr enters the enquiry room, and is requested to state any particulars within his knowledge relative to the alleged aspersion of Mrs. Harrington.

Mr. Carr states:—

When I accompanied Mr. Whiteside to Mr. Caldwell's house on 5th September 1864, as a witness in Mr. Ellis' case, the quarrel between Messers Reade and Caldwell was also discussed, and an apology was demanded by Mr. Reade; and, also that Mr. Caldwell should retract the words he had used with reference to Mrs. Harrington. On that point Mr. Caldwell stated he had been misrepresented by Mr. Reade. At one time he stated that he had not aspersed Mrs. Harrington's character; at another time he, in a manner, admitted it, and complained bitterly of Mr. Reade's conduct in making public a private conversation. We represented to him very strongly, in that case, that it was his duty to withdraw the statement which Mr. Reade so pointedly declared he had made. He refused to do so, and objected to giving a written reply to a verbal demand. I then suggested that Mr. Whiteside should give Mr. Caldwell a copy of the paper he had, and a copy was then made in Mr. Caldwell's house and left with him. There was a great deal of discussion on the subject of a meeting between Mr. Reade and Mr. Caldwell. Mr. Reade, I believe, having refused to come to Mr. Caldwell's house, and Mr. Caldwell stating that he was willing to meet him in his own house, but would not go to any other house; saying "I refuse to go out of my house for a meeting." In order to make the apology as easy as possible, I suggested to Mr. Whiteside that *we* might dispense with an apology to Mr. Reade in person, so long as Mr. Caldwell would retract his words about Mrs. Harrington. We came to no decision on the question of an apology, and the interview terminated without result; that is, by Mr. Caldwell denying the words imputed to him and refusing the apology. He denied having aspersed Mrs. Harrington at one time, and at another did not deny having done so; but his chief complaint was against Mr. Reade for making a public complaint of a private conservation. We were not there to ask him if he made these statements or not, and that question was never, that I can remember, directly put to him; the object was to get such an apology on paper as would prevent Mr. Reade laying the matter before Mr. Harrington. We went then to Mr. Reade's house, when Mr. Reade positively refused the interview at Mr. Caldwell's; and from thence Mr. Whiteside wrote letter E. The reply (letter F,) when received, was shewn to me, and Mr. Whiteside and I together drafted the apology. In the same way as in Mr. Ellis' case, in the drafting of this apology we were anxious to make it as easy as possible, in order that Mr. Caldwell might sign it, and so end the matter peaceably; at the same time, stating emphatically in this apology, that he knew nothing of Mr. Harrington but what was honorable. In reference to the phrase "or am supposed to have said," those words were introduced to make it as easy as possible. He was obliged by signing the apology, to eat his own words, and at the end of it acknowledge to having misled Mr Reade.

By Mr. Caldwell.—Mr. Carr states that I, in a manner, admitted that I had aspersed Mrs. Harrington. I wish to ask whether he means thereby that I mentioned my sister's disapproval of her manners?

Answer.—There was no mention whatever made, in my hearing, of Miss Caldwell's disapproval of Mrs. Harrington's manners.

By Mr. Caldwell.—Can Mr. Carr state any of the phrases made use of, whereby I appeared to him, in a manner, to admit that he aspersed Mrs. Harrington's character?

Answer.—I am unable to recall any of those phrases.

By Mr. Caldwell.—Did Mr. Carr, at the time, understand by any such expressions that he alludes to, that they were an expression of my opinion at the time; or, a repetition of my words to Mr. Reade?

Answer.—There was, in my hearing, no repetition of his words to Mr. Reade, and the expressions made use of, seemed to be his opinion at the time. He gave me the idea of wishing to be thought in possession of the knowledge of some facts derogatory to Mrs. Harrington; but he did not make use, that I remember, of words that would constitute a direct libel upon her.

By Mr. Caldwell.—In complaining of Mr. Reade, did I allude to our mutual relations with one another?

Answer.—Not directly; but Mr. Caldwell complained bitterly of what he called the brutality of Mr. Reade's conduct. I knew nothing of any of the relations at the time, beyond knowing that there was an intimacy between Mr. Caldwell and Mr. Reade; and, therefore, there were many allusions at the time which I did not then understand.

SECOND CASE.

Mr. Ellis, Civil and Session Judge, enters the inquiry room, and is requested to state the particulars within his knowledge relative to the occurrence referred to in the following words of Government Order, No. 810, 2nd August 1865, Public Department, "with having grossly and deliberately insulted the Civil and Session Judge Mr. Ellis."

Mr. Ellis states :—

On the morning of Monday, which I think was 5th September 1864, between about 7 and 8 o'clock, my servant announced Mr. Caldwell as coming up the steps of the house. I told him to show Mr. Caldwell into my writing room, where I was at the time. I wished Mr. Caldwell good morning, and begged that he would be seated. He immediately produced a letter from his pocket addressed to him in Mr. Reade's hand-writing, handed it to me, and asked me if I was cognizant of its having been written. I forget whether I opened and looked at the letter, or not; but, from Mr. Caldwell having come to me with a letter in Mr. Reade's hand-writing, I concluded that it was a letter that had been written after the interview between Mr. Reade and himself on the previous Friday, and I added that it had been written with my cognizance, and after consultation with me. Mr. Caldwell then stated, that he considered that I had been guilty of gross impertinence; continuing to say, in these words, to the best of my recollection, "Were you not guilty of slandering the late Mr. Pugh," or uttering a calumny against the late Mr. Pugh. "I had not been two or three days in the place before Mr. Wood warned me against you as a mean and treacherous man." I said to Mr. Caldwell. "Mr. Caldwell, you must be mad to come and insult me in this deliberate manner. What is your authority for these assertions?" To this Mr. Caldwell vouchsafed no reply; but

added, "I warn you. You had better not cross my path. You have quite enough in your own family to occupy your attention." On this he dashed out of my room, and I have had no further personal intercourse with him from that day to this.

Shortly after he had left, I wrote a note to Mr. Reade, begging him to come over to me. I told him what had passed, and we agreed to send for Mr. Whiteside. When Mr. Whiteside came, I told him what had occurred, and begged him to go from me to Mr. Caldwell, and demand an apology for the gross and deliberate insult he had been guilty of. I forget whether, at the time, I told Mr. Whiteside what course I intended pursuing in the event of Mr. Caldwell not making the apology; but I certainly am under the impression that, on the second occasion of Mr. Whiteside's going to Mr. Caldwell, I did tell him to tell Mr. Caldwell that in the event of his not apologizing, I should refer the matter to Government. After Mr. Whiteside left my house, I did not see him again until sent for by him from my court to Mr. Reade's house. He then informed me that Mr. Caldwell refused to make any apology; and, at Mr. Reade's and my request, he went a second time. He returned saying that the second interview had been as fruitless as the first; and informing me that Mr. Caldwell had indulged in a considerable amount of abuse of myself. Mr. Whiteside went a third time to Mr. Caldwell's house, accompanied by Mr. Carr, so far as I can recollect, with no better success than on the two previous occasions; and I think, but I am not certain, that he wrote, under my instructions as well as under those of Reade, a letter to Mr. Caldwell, specifying the points upon which we respectively required apologies from him; giving him 24 hours time to make them. The rest of the negociation was carried out by Mr. Whiteside and Mr. Caldwell, by the letters marked E, F, G, and H, which were shewn to me as sent and received.

By Lieutenant Colonel Temple.—Did you notice Mr. Caldwell's manner and appearance on the occasion of his coming to your house?

Answer.—He was laboring apparently under violent passion, and was exceeding pale.

By Mr. Caldwell.—What was the specific offence for which Mr. Whiteside was sent to demand an apology from me?

Answer.—For having in the first instance accused me of gross impertinence; next for having dared to insult me by accusing me of calumniating the late Mr. Pugh, a very old and valued friend; and for having stated, what I felt sure was a gross falsehood, that Mr. Wood, another old and valued friend of mine, had warned Mr. Caldwell, almost, if not a total, stranger, against me as a mean and treacherous man; and I think I added to Mr. Whiteside that the insult was the more cowardly, as there were no immediate means of refuting the falsehood, as Mr. Caldwell perfectly well knew Mr. Pugh was dead, and Mr. Wood in England.

By Mr. Caldwell.—Did Mr. Whiteside carry back to Mr. Ellis from me, after the first interview, any written statement?

Answer.—Not that I can recollect.

By Mr. Caldwell.—Did he after the second?

Answer.—To the best of my recollection, after the second interview, he did come back with some sort of apology, whether written or verbal I am not prepared to say, but which I refused to receive.

Mr. Caldwell puts in a paper marked Y, and asks:—

Did Mr. Ellis ever see this document, and was it presented by Mr. Whiteside?

Answer.—I certainly have no recollection of having seen the paper, but I have no reason to say that I did not. It is probable that I did; if so, it was not an apology that I considered I was entitled to receive from Mr. Caldwell.

By Mr. Caldwell.—Does not the insertion of a word in the fourth line bring the paper to Mr. Ellis' memory?

Answer.—Certainly not.

By Mr. Caldwell.—Was not what I said to Mr. Ellis, as regards Mr. Pugh, to this effect, *viz*:—"When you yourself were accused by Mr. Pugh of slandering a lady, you repudiated his right to interfere, whereas, in this instance, you adopted a directly contrary course, by encouraging Mr. Reade's interference in behalf of a lady?

Answer.—Mr. Caldwell never put any question of the kind to me.

By Mr. Caldwell.—Does Mr. Ellis still assert that I accused him of slandering Mr. Pugh.

Answer.—I can only repeat what I have already said at the commencement of my statement, in regard to the question put by Mr. Caldwell.

By Mr. Caldwell.—Does Mr. Ellis state whether I connected the accusation with any place, date, or circumstance, as to what constituted the alleged slander?

Answer.—No. Certainly not. I asked Mr. Caldwell what was the slander, and what was his authority for asserting that I had been guilty of it; but, as I think I said before, he gave me no reply.

By Mr. Caldwell.—Was not what I said about Mr. Wood, to the effect that he warned me against Mr. Ellis "as a meddling and a dangerous man?"

Answer.—Certainly not. To the best of my recollection he said "as a mean and treacherous man."

By Mr. Caldwell.—Was not Mr. Ellis, in the course of the negociations, made aware that I had reiterated that statement to Mr. Whiteside?

Answer.—I have no recollection of having been made aware of that. From the first my demand was for an apology for Mr. Caldwell's statement, "that Mr. Wood had warned him against me as a mean and treacherous man."

By Mr. Caldwell.—Did I admit having made any assertion in my apology?

Answer.—If the apology does not mean that, I dont know what the meaning of words is.

By Mr. Caldwell.—Was not there a controversy between Mr. Ellis and myself as to what I did say?

Answer.—If Mr. Caldwell means by this question that, in his conversation with Mr. Whiteside, he wished to attenuate the force of his words and substitute, for the direct apology I demanded, the qualified apology marked Y, (which he has put in and which I refused to receive,) there was much controversy on that point.

By Mr. Caldwell.—Was not Mr. Ellis aware that I denied to Mr. Whiteside, his version of the statement which, in my apology, I allowed I had no grounds for?

Answer.—Mr. Caldwell, to the best of my recollection, refused to Mr. Whiteside to make the apology I demanded, and it is possible he may have denied to Mr.

Whiteside having made the statement which I attributed to him; but I do not recollect whether Mr. Whiteside actually told me that he had denied having made it; my impression being that he refused to apologise, altogether on the ground that he had gone to my house with the deliberate intention of insulting me.

By Mr. Caldwell.—Did Mr. Ellis notice the passage in letter F, wherein are the words "To the first point" *i. e.*, as far as "satisfactory?"

Answer.—Certainly I did; but my answer to the previous question refers to what took place between Mr. Caldwell and Mr. Whiteside on the 5th September.

By Mr. Caldwell.—Was not the apology partly founded on the circumstance of my having gone to his house at all on the occasion, and of having accused him of impertinance?

The apology at page 17 is accepted as a substantially correct copy by Mr. Caldwell and Mr. Ellis.

Answer.—Certainly not for having come to my house, but for having come and charged me with impertinence.

Mr. Ellis retires.

Mr. Whiteside enters the enquiry room, and is requested to state any particulars within his knowledge relative to the alleged insult to Mr. Ellis.

Mr. Whiteside states:—

On the morning of the 5th September last, I got a note from Mr. Ellis asking me to come over. I went to his house and found Mr. Reade with him. Mr. Ellis then told me that he had been insulted by Mr. Caldwell in a very grievous and very extraordinary manner. He told me that Mr. Caldwell had come to his house early in the morning; and, coming in very hastily, had said he was guilty of gross interference in the matter that was at issue between himself and Mr. Reade; that he had long known him as a dangerous and treacherous man; and that, as such, Mr. Wood had warned him (Mr. Caldwell) respecting Mr. Ellis; as soon as Mr. Caldwell arrived at the station. That Mr. Ellis had slandered the late Mr. Pugh; that he had not crossed his path before; he warned him not to do so now. Mr. Ellis said that he had then asked Mr. Caldwell to explain himself, and he replied "I will not," and then left the house hastily and went away. Mr. Ellis desired me to go to Mr. Caldwell, and to demand an apology from him for this language. He also desired me to warn Mr. Caldwell that if he refused to give this apology, he would lay the matter before Government. I then went to Mr. Caldwell, and I repeated the words that Mr. Ellis had said to me, and I requested that he would give an apology. He refused, flatly; and when I asked why, he said he would not apologise, because he had gone to Mr. Ellis expressly with the intention of using such language as would prevent Mr. Ellis associating himself with Mr. Reade, in the matter of the discussion respecting the accusation Mr. Caldwell was said to have made against Mrs. Harrington. He said he could not honorably apologise for what he had done intentionally, and with a purpose. He reiterated his bad opinion about Mr. Ellis, and said that he "had long known him as a dangerous man and had avoided him." He also said "he was a snake in the grass; one who would smile upon you to your face, but would stab you in the back, if he had the chance." I had a long argument with him on this subject; and I endeavoured to

disabuse him of the opinion he had formed, that it would be dishonorable to apologise. Eventually, he did draw up a paper which he gave to me. *(Paper marked Y, is shown to Mr. Whiteside, and recognized as the paper he refers to.)* It could not be called an apology. It was a denial of the language he was said to have used to Mr. Ellis; and when I took it away, I had very little idea or expectation, that it would really end the matter. As soon as Mr. Ellis saw it he refused to receive it. He said that it evaded the matter he really complained of; that it was not an apology, and left the matter exactly as it was before. I went back to Mr. Caldwell again and returned the paper. We again went over the same arguments and discussions that we had before; and, at the third interview, when Mr. Carr was present, we did the same. Mr. Caldwell again used the same remarks about Mr. Ellis that I have mentioned above. Then, from Mr. Reade's house I wrote the letter marked E; the remainder of the transaction was carried on by the letters marked F, G, and H.

By Lieutenant Colonel Temple.—Did you, at any of these interviews, give Mr. Caldwell a written statement of the ground of complaint that Mr. Ellis had against him?

Answer.—No. I do not think I did. I do not think Mr. Caldwell ever asked for it. The affair only occurred that morning, and was fresh in his memory.

By Lieutenant Colonel Temple.—In letter F, Mr. Caldwell says "I have now for the first time" &c., to "verbal communication." Do you know to what written statement Mr. Caldwell there alludes?

Answer.—I imagine to letter E; I have no recollection of having given any other.

By Lieutenant Colonel Temple.—In the same letter F, Mr. Caldwell states, "I had twice given you," &c., to "complaint." Have you any recollection of those statements?

Answer.—I only recollect the statement which has been put in, marked Y.

By Lieutenant Colonel Temple.—Do you recollect the circumstance of an interpolation in the paper Y?

Answer.—Yes. I recollect pointing out that the paper in its original form did not touch the point at issue. Mr. Ellis did not complain that Mr. Caldwell had come and charged him with slandering himself, but with slandering Mr. Pugh. On this Mr. Caldwell inserted the words "of Mr. Pugh."

By Lieutenant Colonel Temple—In the same letter F, Mr. Caldwell states that those statements were considered by you satisfactory. Was such the case?

Answer.—Mr. Caldwell was mistaken. I did not consider the statement satisfactory, and was not empowered to declare what would be considered as satisfactory; but I certainly said that I hoped it would be considered satisfactory. Throughout the interviews I had with Mr. Caldwell, he especially insisted on the form of expression he made use of; he was arguing about the phraseology of the expression. He did not by any means deny having insulted Mr. Ellis, and it was on that point, chiefly, that Mr. Ellis demanded an apology and a withdrawal of the language; and this paper Y was not an apology, but only a continuation in writing of the argument as to the form of words he had made use of.

By Lieutenant Colonel Temple.—Will you compare the form of the apology in page 9, and that in page 17, and state if you were cognisant of the alterations?

Answer.—I was not cognisant of any alteration. When Mr. Caldwell sent me the apologies I did not compare them narrowly with my original draft. They seemed to me to be identical and to meet all the points at issue; and when I took them to the gentlemen for whom they were intended, each was perfectly satisfied.

18*th August* 1865.

Mr. Caldwell hands in the originals of letter D. E. and G. of the printed correspondence.

Mr. Whiteside desires to explain in reference to his reply to the last question :—

The words the "5th instant" were inserted in the original draft sent to Mr. Caldwell, because it fixed the date in a more specific manner than the words on Monday last. In the same manner I altered the word "have" to the word "had" because it seemed to me that the apology referred to an occurrence which was passed. The word "had" was a more correct expression ; inasmuch as the word would seem to imply that, at the time of signing that apology, Mr. Caldwell had no reason for making the assertion imputed to him ; and my not correcting my rough draft, which ultimately was sent to press, was a mere slip of memory.

By Lieutenant Colonel Temple.—The phrase in the apology "I had no grounds for asking him whether he had not slandered the late Mr. Pugh" does not contain a clear acknowledgement of his having said so. Was it so worded by you in reference to Mr. Caldwell's arguments previously ?

Answer.—I intended to make the apology as unqualified and as straight forward as possible. I originally drafted the apologies, alone ; one of them certainly. Afterwords I showed Mr. Carr what I had written. I recollect I had written in the first draft," I had no grounds for *saying, &c.*" I showed this to Mr. Carr, and he said it was our object to get the apology and to end the matter. While we endeavoured to get the apology to satisfy Mr. Ellis' demand, we should, at the same time, endeavour to make the wording and the signing of the apology as little hurtful to Mr. Caldwell's feelings as possible. Mr. Carr said he thought the wording of the original draft was too strong ; and, if I altered it, the apology, virtually, would be the same thing, and that Mr. Caldwell would then sign it without any objection. I deferred to Mr. Carr's judgement, and framed the apology accordingly ; but that sentence relating to Mr. Pugh was most certainly intended by me, and also by Mr. Carr, to include an acknowledgement of having asked the question referred to. In support of this I point out, in letter G, the sentence beginning "You will remember" *i. e.*, as far as "seriously."

By Mr. Caldwell.—When Mr. Whiteside wrote the passage in letter G referred to, and the apology, had he not before him the following passage in my letter F, commencing "To the first point" *i. e.*, as far as "to be satisfactory ?"

Answer.—Undoubtedly I had received that letter. I believe that Mr. Caldwell did deny having used the words imputed to him regarding Mr. Pugh ; but, subsequently, and at different times during the interviews, Mr. Caldwell made such observations respecting Mr. Ellis' conduct, in connection with Mr. Pugh, as, in my opinion, to do away with the denial he had first given ; and I, therefore, attached no importance to his denial. I should add, that there were other instances during these interviews in which Mr. Caldwell made statements and afterwards denied them, or denied facts that were clearly within his own knowledge.

By Mr. Caldwell.—Were not the 1st and 2nd interviews, at Mr. Whiteside's request, held without witnesses?

Answer.—At the first interview we were in Mr. Caldwell's drawing room (the front room opening into the verandah,) and during a considerable portion of the first interview, Miss. Caldwell was standing in the dining room, which is separated from the drawing room by half doors of cloth across the middle part of the doors. Below the half doors, I could see Miss. Caldwell's dress. She came into the room twice and took part in the discussion. As one of the points that was then under discussion was the reputation of a lady then in the station, and Mr. Caldwell was using angry language about her and other people in the station, I objected very strongly to Miss. Caldwell being present; and, at my particular request, Mr. Caldwell did get Miss. Caldwell to go to her room. During the course of the 1st or 2nd interview, we went for a few minutes into Mr. Caldwell's writing room, and he sat at a writing table close to a window opening into a verandah; and one of the Clerks of his department was writing at a table in the verandah close to the window. Mr. Caldwell, at that time, was in a very great state of excitement, and was abusing Mr. Ellis and Mr. Reade in violent terms. I then observed to him it was indiscreet to use such language where a native could hear him. We then returned into the room we had just quitted. On several occasions during these interviews, Mr. Caldwell left the room where I was and went to consult with his sister. She was upstairs.

By Mr. Caldwell.—After having received my denial in writing, as in letter F, did Mr. Whiteside ever receive an admission from me that I had used the imputed language, viz., that I had asked Mr. Ellis whether he had slandered Mr. Pugh?

Answer.—I consider that the apology that I received with letter H, was an acknowledgment of that fact. It was so received by Mr. Ellis; and its terms seemed to me, at the time I wrote it, fully to convey that meaning. I beg to refer again to the paragraph in my letter G, commencing. "You will remember" *i. e.*, as far as "Mr. Pugh." In that sentence I made special allusion to an admission made to me by Mr. Caldwell of his having addressed a grossly insulting question to Mr. Ellis, respecting the late Mr. Pugh, in his reply letter H Mr. Caldwell did not in any way refute or deny this admission; on the contrary, he expressed his entire concurrence with the view I took of the matter.

By Mr. Caldwell.—Was there not a controversy between us, Mr. Ellis and myself, as to the particular expression I made use of?

Answer.—There was.

By Mr. Caldwell.—Mr. Whiteside states that the reason I gave for going to Mr. Ellis' house, and, as he terms it, insulting him, was to prevent him from being present at any discussion of Mr. Reade's business. Was not the ground assigned to me by Mr. Whiteside, of my offending, that I had not sent a third party instead of going myself?

Answer.—Certainly not. Mr. Caldwell, over and over again, asserted that he had gone to Mr. Ellis for the purpose of using such language to him as would prevent him from appearing along with Mr. Reade at the interview Mr. Caldwell had previously agreed to. I refer to letter G, in which I specially state that he was bound in honor to apologise to Mr. Ellis for having gone to his house with such an intention.

Mr. Whiteside retires.

Mr. F. C. Carr enters the enquiry room, and is required to state any particulars within his knowledge relative to the alleged insult to Mr. Ellis.

Mr. Carr states :—

Mr. Whiteside called upon me in my court on the 5th September 1854, and there, first of all, told me what had happened up to that time. Before that I was perfectly ignorant of anything at all having taken place. He told me that he had been desired by Mr. Ellis to take me with him in order that I might be a witness to his laying, what was a sort of ultimatum from Mr. Reade and Mr. Ellis, before Mr. Caldwell. There was nothing in writing in reference to Mr. Ellis, as well as I can recollect. We went to Mr. Caldwell's house; and the first thing Mr. Whiteside said was that he had brought me, at the request of Mr. Ellis, to be a witness at this interview; and he then stated the different points on which Mr. Ellis required an apology. They were for going to his house with the deliberate intention of insulting him; for having stated that he, Mr. Ellis, had slandered the late Mr. Pugh; and for saying that he had been warned against Mr. Ellis as a dangerous man. Mr. Caldwell deliberately refused to give the apology; in fact, when he had listened to what Mr. Whiteside said he replied, "Mr. Ellis shall get no apology from me;" and added, "that he would see him damned first." There was a long discussion on the subject, in which we both tried to show Mr. Caldwell that the best thing to do was to apologize, which he steadily refuse to do, saying he had gone to insult him, and would not apologize. He denied having said that Mr. Ellis had slandered Mr. Pugh, and he said that he *had* been warned against Mr. Ellis. The discussion terminated without result. I was particularly struck with the extreme bitterness of Mr. Caldwell against Mr. Ellis. Up to that moment, I had been unaware that there was any quarrel between them. He said he knew "that he was a treacherous man;" called him "a snake in the grass." And said that though they had been together in the station for some years, he had been careful in never crossing Mr. Ellis' path; but, now he complained that Mr. Ellis had, in an uncalled for way, interfered in his affairs. We pointed out that Mr. Ellis had been called in by Mr. Reade, as a third party, in reference to an accusation against Mrs. Harrington, and, therefore, had not interfered in an uncalled for manner; and also that Mr. Caldwell had consented in writing, I think, to meet Mr. Ellis in that capacity. We went then to Mr. Reade's house to inform Mr. Reade and Mr. Ellis of the result of the interview. Then it was determined to give Mr. Caldwell another opportunity of making an apology. I was present when Mr. Whiteside drafted the letter. It is letter E. When Mr. Whiteside received Mr. Caldwell's reply, marked F, he showed it to me, and wrote his letter G, after consulting with me. With regard to the words in Mr. Caldwell's letter, viz., "in terms which you considered to be satisfactory." Mr. Whiteside stated that he had been misrepresented. I agreed with him, because though Mr. Caldwell denied that he had said that Mr. Ellis had slandered Mr. Pugh, he still admitted that there had been an introduction of Mr. Pugh's name, and we felt satisfied that Mr. Ellis' statement of the occurrence was correct. After the discussion, we drafted the apology, together. *(The phrase, "I had no ground, &c.," was pointed out.)* In reference to that particular phrase, I said that the apology must be made as easy as possible. The

word at first was "stating." I proposed to substitute "asking." Mr. Ellis charged Mr. Caldwell with using the words, "You are the man that slandered Mr. Pugh," and was emphatic on getting an apology on that point. Mr. Caldwell having denied those words, it was rather difficult to draft that sentence without making Mr. Caldwell entirely stultify himself. That was the reason that I introduced the words "asking;" thinking there was a chance of Mr. Caldwell signing that apology, whereas, if it had been put in the other way, I felt sure, from his manner at our personal interview, that he would not. But I fully intended in the words of that phrase, to include an aknowledgment of the fact, that a question *had* been asked.

By Mr. Caldwell.—Did I not object to give a written apology to a verbal statement?

Answer.—Yes. Mr. Caldwell did.

Mr. Carr retires.

Miss Caldwell enters the enquiry room.

By Mr. Caldwell.—What was the duration of the first interview that took place between Mr. Whiteside and myself on the 5th September 1864.

Answer.—I think it was about twenty minutes.

By Mr. Caldwell.—Have you any idea of the threat held out to me at that interview by Mr. Whiteside on behalf of Mr. Ellis.

Answer.—Mr. Whiteside said that Mr. Ellis would take legal, or magisterial, (I am not sure which) proceedings against him.

By Mr. Caldwell.—Have you any idea of the result of the first interview?

Answer.—After the interview, I came into the room and sat speaking to Mr. Whiteside while my brother was writing in the next room. Mr. Whiteside said taking the paper from my brother would cut the legs from under him.

At Mr. Caldwell's request, the paper marked Y is shewn to Miss Caldwell, and recognized as the paper she refers to; Miss Caldwell also notices the insertion of three words and the initials of her brother.

By Mr. Caldwell.—Has Miss Caldwell any idea how the interpolation of the three words she refers to came to be made?

Answer.—I believe it was because Mr. Ellis was not satisfied without them.

By Mr. Caldwell.—At the termination of the second interview, in what way did Mr. Whiteside express himself?

Answer.—He appeared to be satisfied, and I think expressed himself so.

By Mr. Caldwell.—Will Miss Caldwell state her idea of the impression that Mr. Whiteside appeared desirous of making upon me and herself, as regards Mr. Ellis' conduct in this matter?

Answer.—Mr. Whiteside said that Mr. Ellis was a dogged vindictive man like his brother at Madras, and would pursue any one that offended him to the very end by any means.

By Mr. Caldwell.—What was Mr. Whiteside's object in representing Mr. Ellis in this light?

Answer.—I think it was that we should try and appease him by any means, and smooth over matters.

By Mr. Caldwell.—With what object does Miss Caldwell consider that I went to Mr. Ellis' house on the occasion that was the ground of the present dispute?

Answer.—To call Mr. Ellis to account for his unwarrantable interference, and also under the impression that it was done out of mischief.

By Mr. Caldwell.—Did Miss Caldwell ever hear me say that I did so in order to prevent Mr. Ellis being present at any meeting between Mr. Reade and myself?

Answer.—No. Decidedly not. He said it was to prevent him meddling with his affairs in future.

By Mr. Caldwell.—Did Mr. Whiteside blame me for going to Mr. Ellis' house?

Answer.—He said it was a wrong for him to go, he should have sent a third party. This was during the first or second interview.

By Mr. Caldwell.—Did Mr. Whiteside at all question my right to call Mr. Ellis to account?

Answer.—No. Not if he did it through a third party.

By Mr. Caldwell.—Has Miss Caldwell any idea of the duration of the second interview?

Answer.—I have not; but it was much longer than the first.

By Mr. Caldwell.—Did I, or did I not, consult with Miss Caldwell on every step I took in the course of these negociations?

Answer.—Yes. He did always.

By Mr. Caldwell.—What is Miss Caldwell's idea of the intention of the apology I signed in reference to Mr. Ellis' case.

Answer.—I looked on it as evasive and persuaded my brother to sign it, provided he told no falsehood in it.

By Mr. Caldwell.—Have you any recollection of the points evaded having been discussed between ourselves before I signed the apology?

Answer.—Mr. Caldwell said that he had no grounds for stating that Mr. Ellis had slandered Mr. Pugh; nor had he said so. He also said, he had no grounds for stating that Mr. Wood had warned him against Mr. Ellis as a treacherous man, and he did not say so. He said, Mr. Wood had warned him against Mr. Ellis as a meddling and dangerous man.

THIRD CASE.

Mr. R. G. Clarke enters the enquiry room and is requested to state the particulars within his knowledge relative to the alleged slander of Mr. Ellis and Mr. Harrington.

Mr. R. G. Clarke states :—

In my statement of 10th May I made a mistake in regard to the date of the interview with Mr. Caldwell, on which occasion Mr. Caldwell aspersed the characters of Mr. Ellis and Mr. Harrington. It took place on a Sunday morning; and I had, on reference to the almanac, thought it was the second of April. But I find now, on reference to the communication which I made to Mr. Reade, and bearing date, Tuesday the 28th March, that the interview had taken place on the Sunday previous, the 26th of March.

In the course of our conversation Mr. Caldwell deliberately stated to me that Mr. Ellis had offered, or given, I cannot state the exact word, the sum of three hundred Rupees as inducement to Mr. Harrington to come and slander him (Mr. Caldwell)

to me, and that Mr. Harrington had accepted it. To the best of my recollection the exact words used by me, on hearing Mr. Caldwell make this assertion, were:—" There you are again, Caldwell, at the old story, the Cuddalore matters, which you promised not to refer to in our conversations. I really will not sit and listen to so grave a charge brought against gentlemen, without making known to them what you state." Mr. Caldwell said, " Gentlemen! do you call Mr. Harrington a gentleman?" I answered " Yes I do;" and begged him to let the matter drop. The conversation went on regarding these gentlemen, and some sharp words passed between us; but no further allusion was made to the bribe, that I can recollect.

By Lieutenant Colonel Temple.—What do you suppose led to Mr. Caldwell's charging Mr. Ellis and Mr. Harrington in the manner you have stated?

Answer.—I cannot tell. Not one single word about Cuddalore, or anything connected with it, had transpired in our conversation, previous to Mr. Caldwell's assertion. I am certain of this, because I am most guarded in my conversation with Mr. Caldwell, in regard to the affairs that took place there, and have repeatedly requested him not to allude to them.

By Lieutenant Colonel Temple.—Had those gentlemen's (Mr. Ellis' and Mr. Harrington's) names been brought into your previous conversation?

Answer.—Not at all.

By Lieutenant Colonel Temple.—Was your conversation on subjects in any way connected with those gentlemen's duties, occupations, or pursuits, that would render the introduction of their names a possibly natural consequence?

Answer.—None whatever.

By Lieutenant Colonel Temple.—Then I am to understand that the statement against those gentlemen was a perfectly isolated and unconnected sentence?

Answer.—Quite so. Brought in without anything to lead to it.

By Lieutenant Colonel Temple.—Was there any irritation or excitement apparent in Mr. Caldwell's manner?

Answer.—None whatever. He was perfectly calm and collected, and we had been talking in a friendly way.

By Lieutenant Colonel Temple.—Did Mr. Caldwell state on what subject Mr. Harrington was to slander him?

Answer.—No. He simply said that he was to slander him.

By Mr. Caldwell.—Will Mr. Clarke state for how long, and to what time, he and I have been on intimate terms?

Answer.—As far as I can recollect, I made Mr. Caldwell's acquaintance about June 1865, and I had no occasion to be otherwise than on friendly terms with Mr. Caldwell up to the 26th March. I was not so friendly then, as before.

By Mr. Caldwell—Mr. Clarke has stated that I promised not to refer, in our conversations, to Cuddalore matters; when did I make that promise?

Answer.—Both Mr. Caldwell and Miss Caldwell, not once but repeatedly, made the promise to me, in my own house, on the occasion of a visit they made me in, I think, October last; and Mr. Caldwell also, on other occasions, subsequently, but I forget the dates, in my own house. In support of my assertion, I put in a note from Miss Caldwell, in reference to Cuddalore matters; in which I now under-

line words by which Miss Caldwell admits that, having once given her word not to speak upon these matters, she ought not again to have entered upon them.

Letter W is received and acknowledged by Mr. Caldwell to be in Miss Caldwell's hand-writing.

By Mr. Caldwell.—In reference to what subject does Miss Caldwell write, where she says in the note now put in, "I hope when you see how I have been wronged and maligned in some ways, from the letters my brother will send"?

Answer.—A subject unconnected with the aspersion made to me upon Mr. Ellis' character, but referring to the previous differences which had taken place at Cuddalore.

Mr. Caldwell puts in letter marked V, which is acknowledged by Mr. Clarke to be in his hand-writing.

By Mr. Caldwell.—Is that letter written by Mr. Clarke?

Answer.—Yes it is; and makes allusion to the differences which had taken place at Cuddalore, previous to our interview of the 26th March 1865.

By Mr. Caldwell.—Does Mr. Clarke now refer to the same differences as he alluded to in a former part of his examination?

Answer.—I know only of one series of differences as having taken place at Cuddalore, previous to our interview of the 26th March; and any allusion that I make, can only be in reference to these.

By Mr. Caldwell.—Is there anything in Miss Caldwell's note marked W, to show that the matters she refers to are those that Mr. Clarke has designated the Cuddalore matters?

Answer.—Yes. After Mr. and Miss Caldwell had been in my house one or two days, and after I had repeatedly, but in vain, requested that the Cuddalore matters might be a tabooed subject, they again introduced the matter at my table, and some remarks were made which I thought not borne out by the correspondence which I had seen; and I said, I think it right to let you know that I have seen the correspondence. Thereupon they both asked, "What correspondence?" in a very excited manner, and Miss Caldwell accused me of having acted an ungentlemanly and dishonorable part in having looked at those papers; and, in the letter W, she expresses herself, in the following words "You are incapable of acting what you considered as a dishonorable or ungentlemanly part."

By Mr. Caldwell.—Did Mr. Clarke keep a copy of his letter of 28th March 1865, addressed to Mr. Reade?

Answer.—I did not. I am not in the habit of keeping copies of my correspondence.

By Mr. Caldwell.—Did Mr. Clarke keep copies of important letters?

Answer.—Of what I may consider important letters, I do keep copies; such as matters connected with the education of my children, or other family matters.

By Mr. Caldwell.—Did Mr. Clarke consider his letter, dated 28th March 1865, not of sufficient importance to keep a copy of it?

Answer.—No. I did not think it of importance sufficient to keep a copy, though I thought the subject sufficiently so to be made known to Mr. Reade as a protection to myself.

By Mr. Caldwell.—Was Mr. Clarke aware that I was at variance with Mr. Reade when he wrote to him on this subject ?

Answer.—Most indubitably so; but, I did not select Mr. Reade in preference to any other gentleman in Cuddalore. It happened that I was writing to Mr. Reade on another subject, and this afforded the opportunity for my bringing to his notice what had occurred.

By Mr. Caldwell.—What rooms in Mr. Clarke's house were occupied by Major and Mrs. Clarke ?

Answer.—The rooms off the drawing-room on the western side. *(Mr. Clarke is requested to give a rough sketch of the floor which is marked U.)* There are three rooms. The bed-room adjoins the drawing room; folding half doors separate them.

By Mr. Caldwell.—Are you quite sure that there are folding half-doors between the western bed-room and the drawing room ?

Answer.—Yes, I am sure. There are folding half-doors to the east, north, and west of the drawing room. There are full doors, also, which are only closed when cold winds blow.

By Mr. Caldwell.—Had Mr. Clarke seen his brother on that morning, before I came ?

Answer.—To the best of my recollection I had not. He is not an early riser, and Mr. Caldwell's visit was at an early hour.

By Mr. Caldwell.—How soon after my interview, did Mr. Clarke see his brother, and where ?

Answer.—I really cannot say.

By Mr. Caldwell.—In Mr. Clarke's letter to Government, dated 10th May, he states that he remarked to me that he "could not listen to so grave a charge brought against gentlemen, without making known to them what I said." Did he inform Mr. Ellis and Mr. Harrington accordingly ?

Answer.—No. Had I wished to make mischief I should have written to both those gentlemen, with whom I am well acquainted; but I did not write to either. My only object in writing to Mr. Reade was, as I said before, for my own protection.

By Mr. Caldwell.—When writing to Mr. Reade, was it with the intention that that part of it alluding to the alleged slander should be communicated to Mr. Ellis and Mr. Harrington ?

Answer.—No. Had I wished them to be informed of the slander I should have written myself.

By Mr. Caldwell.—Had not Mr. Clarke a quarrel with me on some matter regarding his brother, Major Clarke, shortly before he wrote to Mr. Reade ?

Answer.—No quarrel whatever. I presume Mr. Caldwell alludes to a most gratuitously insulting letter which he addressed to me on the same morning of our interview, and which I received an hour or two after the interview was closed. That letter I beg now to put in, as further confirmatory of the truth of my statement regarding the slanderous aspersion of Mr. Harrington and Mr. Ellis. In that letter he shows that the honor of certain members of the Indian services formed the subject of our morning's conversation, and that that honor concerned money; and

the part concerning the money is brought, in a most insulting manner to me, as bringing to my knowledge a little affair of my own brother, [redacted]

Mr. Clarke puts in a letter written by Mr. Caldwell, without date, marked T, which Mr. Caldwell acknowledges to be in his hand-writing, and to have been written about an hour after the interview.

To this I gave a short note in reply, requesting that our intercourse might cease.

By Mr. Caldwell.—Mr. Clarke has stated that he is not certain whether I used the word "offered" or "given" a sum, &c. Is Mr. Clarke certain that I used either?

Answer.—In my own mind I have not the slightest doubt that one of those two words was made use of. I rather think it was "gave."

By Mr. Caldwell.—Was Mr. Clarke aware of the business which took Mr. Harrington through Tranquebar, in the September or October previous?

Answer.—I only know that Mr. and Mrs. Harrington passed through, on their way to Trichinopoly to visit a friend, and returned some ten days after.

Mr. R. G. Clarke retires.

Major J. T. Clarke enters the inquiry room and is requested to state whatever is within his own knowledgive relate to the interview that took place between Mr. Caldwell and his brother.

Mr. Caldwell reads a protest against the reception of Major Clarke's evidence.

[redacted]

I was living with my brother at the time of his interview with Mr. Caldwell. I think it was the 26th April. It was on a Sunday. The room I occupied is separated from the sitting room by half doors. In the morning my attention was attracted by hearing an apparently angry conversation. I heard Mr. Caldwell tell my brother that Mr. Ellis had given Mr. Harrington three hundred Rupees to come to Tranquebar, and slander Mr. Caldwell to him. This was the first thing I heard. I heard angry conversation after. Before those words were made use of, Mr. Caldwell and my brother had been speaking for about five minutes. I do not know what they spoke about. I paid no attention until this statement caught my ear. My brother, in reply, said he was perfectly certain it was impossible that such a thing could be. I heard no explanation of how or why the money was paid, or what slander was said. No time was mentioned as to when it occurred. I had risen but was not dressed, and was not particularly occupied. I think I was walking about when I heard these words. I was near the dressing table at the west side of the north end of the room. My brother said that he considered Mr. Ellis was too much of a gentleman to offer, and Mr. Harrington too much of a gentleman to accept, such a bribe. I am not certain of the word bribe. Mr. Caldwell said "Gentlemen! do you call Harrington a gentleman." My brother said "Yes, he did," and added "Take care, Mr. Caldwell, what you are saying, as I shall write and tell Ellis all that you said about him." Mr. Caldwell then said, "If you do, I shall give you up as my authority." My brother said "What are you going to give me up as an authority in" Mr. Caldwell said "You told me that Captain Swanston and Mr. Harrington had told:—

(The subject here being irrevelant is stopped).

21*st August* 1865.

Mr. R. G. Clarke enters the enquiry room.

By Lieutenant Colonel Temple.—At what hour did Mr. Caldwell visit you on the occasion of his interview with you.

Answer.—I think it was six o'clock in the morning, or thereabouts.

Lieutenant Colonel Temple.—After the date of his interview, for how long did your brother continue to reside with you.

Anwser.—Until quite recently. The end of July or early in August.

Mr. Clarke withdraws.

Major J. T. Clarke enters the enquiry room, and begs to correct his statement relative to the month when the interview occurred, which was March not April.

He further states :—

On Saturday, just before breaking off. I said that I could not say whether I was in my night dress, or partly dressed, the reason of my saying this was that Mr. Caldwell had so astonished me by saying that he could prove that I was not in the house at the time, that I was trying to think whether I had been out before this conversation had been taken place ; on thinking over the matter, I feel certain that I had not been out.

A question having been proposed by Mr. Caldwell, which, being considered irrelevant, was not received, Mr. Caldwell declines to put any further questions to Major Clarke ; and puts in a protest which had been read prior to Major Clarke's statement.

Major Clarke withdraws.

Miss Caldwell enters the enquiry room.

By Mr. Caldwell.—Is Miss Caldwell aware whether Major J. T. Clarke was, or was not, in his room in their house, on the 26th March last, at the time of my interview with Mr. Clarke ?

Answer.—I am aware that he was not. I was watching my brother from the window of the public bungalow, and saw Major Clarke come out the instant my brother entered. He came up, past the public bungalow towards his wife's grand-mother's house. He was in the habit of going there nearly every morning, and was also in the habit of avoiding my brother.

By Mr. Caldwell.—Can Miss Caldwell state at about what hour I went to Mr. Clarke's house ?

Answer.—It was after seven o'clock ; very close on eight. I recollect this because we had difficulty in dressing, and getting breakfast, in time to go to Church. I had to warn my brother that it was getting late.

By Mr. Caldwell.—Has Miss Caldwell any knowledge of the time when Major Clarke returned to his brother's bungalow ?

Answer.—It was shortly after the return of my brother from thence. It must have been between nine and ten ; but nearer nine than ten o'clock. Mrs. Clarke was with him. She had not accompanied him when he went out.

By Lieutenant Colonel Temple.—At what hour was Divine service, for which you had to hurry in your preparations ?

Answer.—[illegible] eleven.

By Lieutenant Colonel Temple.—Do you allude to the short time subsequent to Mr. Caldwell's return from Mr. Clarkes's house as causing the difficulty you mentioned in dressing and getting breakfast in time for going to Church ?

Answer.—No. I warned him that it was getting late before he went.

By Lieutenant Colonel Temple.—How long had you seen Mr. Caldwell before he went over to Mr. Clarke's house ?

Answer.—I must have seen him for an hour or so ; he was sitting writing.

By Lieutenant Colonel Temple.—How far is Mr. Clarke's house from the public bungalow ?

Answer.—I really cannot say. It was quite within view.

Miss Caldwell points to the clock tower, from the Council Chamber, as being about the distance ; also shows a rough sketch from which it would appear that in front of the public bungalow, is a green, facing the sea ; and, on one side, nearer the sea, Mr. Clarke's house.

By Lieutenant Colonel Temple.—When you saw Major Clarke, did he see you ?

Answer.—I do not know, but it is quite possible. I was standing at the window, and my servant was standing with me.

By Lieutenant Colonel Temple.—Had the subject on which Mr. Caldwell sought the interview with Mr. Clarke been discussed between yourself and your brother that morning ?

Answer.—I think it was, that morning ; but it certainly was, the evening before.

By Lieutenant Colonel Temple.—You said before, that you warned your brother before he went to Mr. Clarke's house, that it was getting late. Did you take notice particularly of the time by a watch ; or what made you imagine it was getting late.

Answer.—I looked at my watch, and it was about 20 minutes to eight o'clock.

By Lieutenant Colonel Temple.—Had Mr. Caldwell been out that morning, at all, before ?

Answer.—No. I think not. Not after I was up, certainly.

By Lieutenant Colonel Temple.—At what hour did you rise yourself?

Answer.—At about seven o'clock.

By Lieutenant Colonel Temple.—Did you see Mr. Caldwell enter Mr. Clarke's house ?

Answer.—Yes. I saw him go in at the porch which opens directly on the road, on the side of the green.

By Lieutenant Colonel Temple.—You said before, that you saw Major Clarke come out, the instant your brother went in. Am I to infer from that, that they met at the door-way or on the staircase ?

Answer.—No. It is possible that Major Clarke may have come down without meeting my brother.

By Lieutenant Colonel Temple.—Did you see Major Clarke come out at the same porch by which your brother entered ?

Answer.—Yes. He came out at the same porch, so far as I could see.

By Lieutenant Colonel Temple.—You say that you rose about seven o'clock ; am I to understand that it was then that you first saw your brother ?

Answer.—Yes. About that time.

By Mr. Caldwell.—Miss Caldwell has previously stated that the subject on which I sought the interview with Mr. Clarke had been discussed between her and myself the previous night; what was the subject?

Answer.—Merely as a visit of ceremony.

Miss Caldwell withdraws.

Ramai, a native female, enters the enquiry room.

Ramai states:—

I am Miss Caldwell's Ayah. I was with my mistress at Tranquebar in the month of March last. I recollect seeing my master, Mr. Caldwell going to visit Mr. Clarke. I rose, myself, before six o'clock. I saw Mr. Caldwell, for the first time on that day, at seven o'clock, in the public bungalow. He was then not particularly occupied; perhaps, he was writing. I saw my mistress about six o'clock. I took in coffee to her. She got up about seven o'clock, and afterwards came into the centre room and talked to her brother, Mr. Caldwell; and afterwards Mr. Caldwell went to Mr. Clarke's house. This was about half past seven to eight o'clock. I knew this, as, at the time, I went to a peon at the adjoining Cutchery and asked the time; as I had to prepare my mistress's bath. As I was going, my master, Mr. Caldwell, was crossing the green, and I saw him enter. I returned with my mistress and watched at the centre-room window for the return of my master; as my mistress told me to delay the bath for a few minutes. Afterwards Major Clarke came out of Mr. Clarke's house. He wore a grey coat. Mr. Caldwell did not stop long, less than a quarter of an hour; and returned and talked with Miss Caldwell. While we there standing, Major and Mrs. Clarke passed the bungalow, and went to Judge Clarke's house. This was about half past eight o'clock. After this, the writers came. Master went to business, and mistress to bath. Afterwards, there was breakfast; but they never went out the whole day. Mr. Caldwell went out for a ride in the evening and returned. I think it must have been Monday, because the boys had not come for the last two days. At four o'clock the next morning, my master went to Negapatam. Major Clarke came to see my master about half past three.

The woman, Ramai, withdraws.

Mr. Ellis enters the enquiry room.

By Mr. Caldwell.—In Mr. Ellis's letter, dated 26th April, to the address of the Chief Secretary, he states "As I am positively assured by that gentleman," (referring to Mr. R. G. Clarke;) &c., also, in his letter of the 8th April to Mr. Powell, he states, "Mr. Clarke, I may add, has repeated," &c. Will Mr. Ellis state how that assurance was conveyed to him?

Answer.—Mr. Reade received a letter, dated 28th March, from Mr. Clarke, which he showed to me, and in which occurs the passage quoted in my letter to Government of the 26th April. Mr. Clarke's letter not having been addressed to me, but only shewn to me by Mr. Reade, I did not consider myself at liberty to take any action regarding it, until I had communicated with Mr. Clarke. I accordingly wrote to him, quoting the passage concerning myself, and asking him if I had his authority for acting on the information. He, accordingly, in reply to my letter, said I was at perfect liberty to do so, if I pleased.

By Mr. Caldwell.—Will Mr. Ellis produce the letter from Mr. Clarke, authorizing him to act on his letter addressed to Mr. Reade?

Mr. Ellis states that he is prepared to produce the letter, on the condition of the whole it being read, and Mr. Clarke's permission.

The letter is not received.

By Mr. Caldwell.—Can Mr. Ellis account for the discrepancies between the passage from Mr. Clarke's original letter, dated 28th March, to Mr. Reade, quoted in his letter to me of the 6th April, and the passage purporting to be the same quotation, in his letter to Government, dated 26th April 1865?

Answer.—I account for the discrepancies thus: In the letter to Mr. Caldwell, I quoted the very words, I believe, of Mr. Clarke's letter to Mr. Reade, dated the 28th March. In my letter to Government, of the 26th April, I quoted the substance of them. In regard to the discrepancy of the dates, I cannot account for it. It is an evident clerical error.

By Mr. Caldwell.—In what letter did the discrepancy of the date first occur?

Answer.—Looking at the two letters (that to Mr. Caldwell, and to Government,) I say the error occurs in my letter to Government. I forget, at this present time, whether I forwarded copies of letters to Mr. Powell. I have not brought the rough draft of my letters to Mr. Powell with me; and I am not certain that I did furnish him with any copies. That gentleman will be able, if applied to, to give all the information Mr. Caldwell requires on the subject.

By Mr. Caldwell.—Did the error of date occur in any antecedent letter?

Answer.—Not that I am aware of.

By Mr. Caldwell.—Is Mr. Ellis prepared to state that the error of the date has not occurred in any previous letter?

Answer.—Certainly not. I am not prepared to say that I have not committed errors in any letters that I have written.

By Mr. Caldwell.—Is Mr. Ellis prepared to state that the error of date had not occurred in any letter that he received antecedent to his letter to Government of 26th April?

Answer.—If Mr. Caldwell will refer to any particular letter, and if it is in my possession I will refer to it, and shall then be able to reply; at present I am not prepared to say.

By Mr. Caldwell.—Under what circumstances did Mr. Reade show Mr. Clarke's letter to Mr. Ellis?

Answer.—I forget whether the letter was sent over to my house, or whether it was shown to me, when I went over to Mr. Reade's house to ask him if he had received any information from Tranquebar, regarding the movements of the Prince of Schleswig Holstein, who was expected at Cuddalore; as the letter contained some allusions to the time when the Prince was expected. I think it was shewn to me on the date of its receipt.

By Mr. Caldwell.—How soon after having seen that letter, did Mr. Ellis write to Mr. Clarke on the subject?

Answer.—I think I must have written to Mr. Clarke on the 30th or 31st; but I cannot be precise as to the date.

By Mr. Caldwell.—When did Mr. Ellis receive a reply?

Answer.—Mr. Clarke's reply was dated the 2nd April, and received, probably, the next or the following day.

Mr. Ellis withdraws.

23*rd August* 1865.

Mr. R. G. Clarke enters the enquiry room.

By Lieutenant Colonel Temple.—You stated in a previous answer that Mr. Caldwell came to your house on the 26th March, at about six o'clock in the morning. Can you recollect how long the interview lasted?

Answer.—I should think it was within an hour, but I cannot say how long precisely. He must have left me about seven o'clock.

By Lieutenant Colonel Temple.—Did you see Mr. Caldwell again on that day?

Answer.—I saw both Mr. and Miss Caldwell in Church at eleven o'clock; but, prior to that, I did not see him after the interview.

By Lieutenant Colonel Temple.—Did you meet Major and Mrs. J. T. Clarke at your breakfast table before Church that morning?

Answer.—Yes. I did. We breakfasted, as we did almost invariably, soon after nine.

By Lieutenant Colonel Temple.—Are you aware whether Mrs. Clarke went out for a morning walk on that morning?

Answer.—I do not know whether she did or not. She was in the habit of going out to see her grand-mother early in the morning, and my brother used to go to fetch her at about half past eight; but I do not know whether she did on that day.

Mr. Clarke's attention is called to his reply on a previous day, to the effect that he could not say how soon, or where, he saw his brother after his own interview with Mr. Caldwell; and, desires to correct that answer; thus:—

Immediately after Mr. Caldwell left me my brother came out of his room, and we conversed together upon what had occurred. I cannot recollect how my brother was dressed.

By Lieutenant Colonel Temple.—Did you at all notice in what direction Mr. Caldwell went when he left you?

Answer.—No. I did not; but I suppose it was back to the public bungalow, because I got a note from him shortly after, just before we sat down to breakfast.

By Lieutenant Colonel Temple.—Do you know when Mr. Caldwell came to the public bungalow on his arrival at Tranquebar?

Answer.—No. I do not. The first I knew of Mr. Caldwell's return from the district, was the servant announcing him as waiting to see me.

Mr. Clarke retires.

Major Clarke enters the inquiry room.

By Lieutenant Colonel Temple.—Was there any one else in the room in which you were, besides yourself, when you over-heard the conversation between Mr. Caldwell and your brother?

Answer.—Yes. There was.

By Lieutenant Colonel Temple.—Did you remain in your room until Mr. Caldwell's departure after his interview.

Answer.—Yes, I did. I left my room immediately after his departure, and, from the verandah, saw him walking towards the public bungalow.

By Lieutenant Colonel Temple.—Did you go out yourself on that morning after the interview?

Answer.—I cannot recollect. I could not swear I did not; but it must have been some time, after if I did.

Major J. T. Clarke withdraws.

Mr. Caldwell is informed that he will be required to put in his statement on the day following the expiration of two clear days from the receipt of the copy of the Proceedings, Sunday not being counted.

Statement of Mrs. Clarke, wife of Major J. T. Clarke taken at Ootacamund, 26th August 1865, (not on oath) before the Joint Magistrate of Ootacamund, agreeably to instructions from Government, conveyed to the Joint Magistrate in a letter dated Madras 23rd August 1865, from Lieutenant Colonel J. Temple.

On Sunday, 26th March 1865, I was at Tranquebar, residing with Mr. R. G. Clarke, my husband, Major J. T. Clarke's brother. About 7 o'clock that morning, I heard loud talking in the sitting room going on between Mr. Clarke and Mr. Caldwell; I was then in my bed-room, adjoining the sitting-room aforesaid. The two rooms are separated by folding doors. The doors were shut when the two gentlemen were disputing. I heard some words, but I cannot state what the altercation was about. All I know of the matter is from my husband, who told me what he had heard through the folding doors. My husband happened to be sitting close to the folding doors, smoking a cheroot, in negligè dress, without his coat; so that he had an opportunity of hearing the angry conversation; while I was further off, dressing, and not paying particular attention to what was going on. I know both Mr. Clarke and Mr. Caldwell, and know their voices well.

I saw Mr. Caldwell going away from Mr. Clarke's house, across the green, about half an hour, or so, after the altercation had commenced. Neither my husband nor I were in the habit of going out on Sunday mornings, and my husband hardly ever went out any day till after seven in the morning.

(Signed) SERENA CLARKE.

Taken before me at Ootacamund this twenty-sixth day of August one thousand eight hundred and sixty-five.

(Signed) W. R. CAMPBELL,
Joint Magistrate of
Ootacamund and J. P.

Statement by Mr. Caldwell, in reference to the enquiry directed by Government, in their Proceedings of the 2nd August 1865, No. 810.

(*Received at 9 P. M., on 1st September 1865, to which date the time for preparation had been extended.*)

The Order of Government, directing the enquiry, specifies three charges which were to be enquired into, in the manner directed in the Proceedings above quoted. These charges were:—

1st. "With having wantonly and groundlessly aspersed the character of a lady, the wife of one of the public Officers stationed at Cuddalore."

2nd. "With having grossly and deliberately insulted the Session Judge, Mr. Ellis."

3rd. "After having apologised for his conduct on these occasions, with having subsequently defamed the character of Mr. Ellis, and that of Mr. Harrington, the Executive Engineer, by accusing the one of having offered, and the other of having accepted, a bribe, as an inducement to the latter to slander him, Mr. Caldwell."

I think it right, in the remarks that I am about to offer, that I should adhere to the order in which the charges were investigated. This, I consider to be the best course, from that reason, and, also, from the consideration, as I hope successfully to show, that the two latter spring out of, and are founded on, the first one.

The first one was, "that I wantonly and groundlessly aspersed the character of a lady, the wife of one of the public Officers stationed at Cuddalore." This act is alleged to have been committed by me on the 1st September 1864. The witnesses who have been examined, in reference to this complaint, are, Messrs. Reade, Ellis, Whiteside, and Carr. But it is to be observed, that, the only evidence that has direct reference to the charge, was that which was furnished by Mr. Reade. The statements of the other gentlemen only relate to proceedings consequent on, and subsequent to, the conversation in which, it is alleged, I used the expressions which are the foundation of the charge made against me. It follows then that the proof of the matter rests upon Mr. Reade's statement; a statement the truth of which I have denied, and do still solemnly deny.

Putting aside, for the present, the statements of the other witnesses, to which I will advert presently, I propose now to analyse, as shortly as possible, the nature and probability of Mr. Reade's Statement.

The first thing I would observe, is, that Mr. Reade was on the most friendly terms with both me and my sister, up to a short time antecedent to the period, and with me up to the very moment, when he preferred the charge against me. That our relations were of the most friendly and most intimate character is beyond all question. Almost numberless letters, the tone and terms of which, and the subjects discussed in them, show, beyond all doubt, that not only was Mr. Reade on friendly and intimate terms, but that it was his earnest desire that the intercourse should be as close, and confidential, as could be. I sought to put these letters in evidence, for the purpose of establishing this fact, but they were not received. Mr. Reade was, also, under considerable pecuniary obligations to me; and, at the very time that he charges me with having used the expressions, the subject of this part of the enquiry, he was indebted to me to the extent of Rupees 2,000. I may add, in reference to these pecuniary obligations, that they were solely and entirely by reason of the friendly terms on which we were, and that I never received my consideration for any pecuniary help which I afforded him.

This being the state of things, it is not at all unlikely that I would express myself freely, and in confidence, in conversation, to Mr. Reade, in reference to the people and the affairs of the station, as Mr. Reade, himself, on many occasions, had frequently done to me. That I have done so, I do not for a moment deny;

but never so freely, or to such an extent, as Mr. Reade has done, not only in conversation, but in written communications, which are in my possession and and were offered in evidence, but, on Mr. Reade's protest, were not received. I never, for a moment, would have deemed it incumbent on me to disclose any of his statements; and I would certainly have expected, from all the foregoing circumstances and considerations, and from many others to which I will not advert, that he would have been the last man living to have made the subject of a conversation with me the foundation of a charge, which he and others would wish so seriously to affect me. It is true that he represents that he wished to make it a matter of confidence, but that I would not listen to his doing so. I would seriously ask whether any reasonable person would believe that representation? Such a course would be nothing more, nor less, than a resolution on my part that this imputation should be publicly promulgated, and that I should appear as the avowed, the responsible, and the public, promulgator of it. If that had been my desire, assuming that I could be so insane as to place myself in such an unenviable and serious position, Mr. Reade would not have been the person whom I should have selected for such a purpose. It is clear, from his statement, that the object of the interview was foreign to the discussion of the lady's character. The subject, as is admitted, arose incidentally. The record of inquiry is silent as to how the conversation about the lady's character was introduced. Mr. Reade says that, to the best of his recollection, it was not by him. Now it does not appear anywhere in the proceedings, and cannot be deduced from any circumstance or matter whatsoever, that I or my sister ever had any quarrel or difference with the Harringtons. Such is really the fact. If that be so, is it within the bounds of probability, when the subject was incidentally introduced in a conversation between two persons who were, and had been for a long time, on friendly and intimate terms, that one of these persons would make the aspersion that he is represented to have made; and also express a desire that it should be published abroad on his authority? Now it appears, on Mr. Reade's own admission, that he (Mr. Reade) asked questions of me, as to what my sister thought of Mrs. Harrington. And as these questions had reference to a person whose name was incidentally introduced, and with whom neither I nor my sister had ever had any quarrel, is it not more likely that what I would say in reply would be the expression of either my sister's, or my own, opinion, than that it would be the utterance of the calumnious aspersion which is attributed to me. I did, undoubtedly, express an opinion, that though we had no personal dislike to Mrs. Harrington, we disapproved of her style and manners, and did not desire an intimate acquaintance with her. And out of this remark Mr. Reade has constructed the present charge.

It may be thought that Mr. Reade, in so doing, would be acting inconsistently, and without any adequate reason, if the intimacy to which I have adverted, had existed. So far as I was concerned, it was of the same character, at the time of, and up to, and after, the interview, that it had always been. It is true, no doubt, that my sister and Mr. Reade had a difference a short time previously, which had resulted in the cessation of communications between them, and it might be from that reason, or from some other, that he might have resolved to break with us. This appears to be so from his own statement made in this inquiry.

I would now direct attention to the steps which he took subsequent to the conversation. He at once converts himself into the champion of this lady. Is there any reason why he should do so? Was he a proper person to assume such a position? His own antecedents did not at all furnish him with any special qualifications for this office, or make the cause one peculiarly well suited to him. I say this advisedly, and I say it, not only in reference to his well known character and antecedents, but in reference to his own expressed opinions of other people. He calls in Mr. Ellis, and, according to the account given, he is in a most distressed condition at being made the repository of such aspersions. The course he took then, was one which, he represents, was for the purpose of preserving peace and quietness, while righting the character of those aspersed. With that view, and with the avowed purpose of relieving himself from the necessity of disclosing the matter to the Haringtons, an apology was demanded of me, and, on this plea, Mr. Whiteside and Mr. Carr are introduced into the affair. An apology is obtained, to the nature of which I will hereafter advert; and with this apology Mr. Reade expresses his entire satisfaction. One would accordingly expect, so far as he was concerned, if his object were what he represented, that the matter would have rested there. But it did not rest there, for notwithstanding that he obtained the apology, he still discloses, and makes over, the whole affair to the very persons from whom the obtaining of the apology was to relieve him of the necessity of doing so: and not only so, but also to all the people of the station; and, according to a letter of Mr. Whiteside's, written to me about a month subsequently to the time when the apology was given, also to Mr. Clarke at Tranquebar. This, as Mr. Whiteside states, was done "*pursuant on a determination to make the whole affair public.*" Of this there can be no doubt; and then, let it be noted, he tries to convert the apology into an admission of the charge he makes.

Now, as regards the apology, I fearlessly contend, that it does not amount to an admission of the charge laid against me by Mr. Reade. And I fearlessly contend, also, that there is not a particle of evidence, outside the wording of the apology, excepting Mr. Reade's own allegation, which is pointedly contradicted by Mr. Ellis, to support the charge against me.

There is positive evidence to show that the gentlemen who were concerned, did not seek such an admission in the apology, which they sought; but only such an apology as would prevent Mr. Reade making any disclosures to the Haringtons, and that the difference between Mr. Reade and myself might thus terminate. And I may observe, that Mr. Ellis, so far from regarding it as an admission of the charge, states in his evidence, that he concluded it to be "*tantamount to a denial of his (Mr. Caldwell's)* "*having made such aspersions.*" In that way I gave the apology on which so much reliance is placed; but declaring, from the time that it was asked to the time that it was given, and when it was being given, and since, on every occasion that reference has been made to it, that I did not intend it to be considered as an admission of the truthfulness of Mr. Reade's assertion. I only gave it, as I stated in my letter to Mr. Whiteside, which was put in evidence, and marked Z, "*to save an exposé on the part of Mrs. Harrington, from which any lady of* "*delicate feeling might well have shrunk, and my own name from being publicly connected,* "*however falsely, with a slander on any woman, however bad.*"

In a charge which rests entirely upon words alleged to have been used, especially when the enquiry is so circumscribed as the present one, it is very important to contrast the different versions given in reference to the expressions relied on. The foundation of Mr. Reade's charge, according to his own statement, is, "*that she was a very bad and improper woman, and that he (Mr. Caldwell)* "*did not think her fit to associate with his sister.*" Mr. Ellis's account of what Mr. Reade represented to him, as to what I had said, is different. He states that Mr. Reade told him that I said:—"*Mrs. Harrington was a bad and improper person, with whom the society of Cuddalore declined to have any intercourse.*" It will be at once perceived, when so much turns upon words, that these two accounts are seriously at variance. There is an additional element introduced into the one, viz., about the society of Cuddalore declining to have any intercourse with Mrs. Harrington, which is not mentioned in the other. Another version is given by Mr. Whiteside, for he represents Mr. Reade to have stated, "*that her* "*conduct was so generally known that Mrs. Whiteside and Mrs. Carr had prohibited her* "*entering their houses.*" This version, given by Mr. Whiteside, not only differs from the others, but is one which, it will be observed, would be likely to interest him, inasmuch as the name of his wife is mixed up in it.

I have already mentioned, that the only direct evidence on the point is that of Mr. Reade, and, under no circumstances could other statements made by him to other people add any moral weight to the truthfulness of that now given by him. Such evidence would not be received in a Court of law; and the reason of this is clear and convincing: for if a man once makes a statement, which he wishes to be regarded as truthful, he would be prepared to make similar statements upon every available and advantageous opportunity, especially if, for a moment, it would be understood that, by so doing, he would be establishing the veracity of his representation. From these reasons, whether he made two or two hundred representations exactly agreeing, no moral presumption of truthfulness would arise therefrom. But if, on the other hand, he should give varying accounts of the one transaction on different occasions, it is a serious reproach to his truthfulness; insomuch that, without corroboration, he ought not to be believed at all.

These remarks, I humbly submit, apply to the present case. So far from the witnesses that were examined in connection with the charge founded on Mr. Reade's statement, supporting him, they throw discredit on his representation; and show this, that whatever reason influenced Mr. Reade, so far from having the "*peace of the society of the station*" at heart, his object was to sow broadcast reflexions upon me, each of which had a peculiar suitableness to the person to whom it was addressed.

I think I may hope from what I have said, that Mr. Reade's version of the conversation, out of which he frames his charge against me, will not be relied on; but that my account will be received, as being, from all the surrounding and antecedent circumstances, apparently more reasonable, probable, consistent, and, therefore, more truthful.

It may be thought, however, that a preference ought to be given to Mr. Reade's statement, if corroborated by the statements of other persons, or supported, or rendered probable, from the nature of the subsequent proceedings. I concede,

that if there were statements by other witnesses, that would corroborate Mr. Reade's, attention ought to be paid to them. Now, in the present case, undoubtedly, statements have been made by Mr. Whiteside, and Mr. Carr; but they are not, in some respects, as I have already pointed out, in the least inconsistent with my account of what took place, but are rather confirmatory of it. At first sight, in some other respects, they would seem in some small degree to make against me. I refer to those portions of them, which represent me, as having spoken in regard to Mrs. Harrington in a way somewhat similar to Mr. Reade's account of what I said to him. But when looked at closely, and with regard to the circumstances connected with them, they do not warrant that construction, except as to one part of Mr. Whiteside's statement, to which I shall advert presently. They relate to the negotiations for an apology subsequent to the conversation with Mr. Reade. These gentlemen were sent by Mr. Reade and Mr. Ellis for that purpose. Their evidence is, accordingly, confined to the interviews that took place between them and me: and the only way in which their evidence could make against me, would be by showing that I had admitted that I used the language imputed to me by Mr. Reade; or that I spoke of Mrs. Harrington in such a way to them, that it would appear not improbable that I had expressed myself to Mr. Reade as he alleges.

But, so far from anything appearing in their statements from which an inference of admission could be gathered, there is direct and positive proof in both, that I indignantly repudiated the assertion of Mr. Reade; and, in the very words of Mr. Whiteside, "*denied flatly ever having said anything of the kind.*" No doubt Mr. Carr says, in one portion of his statement, that at one time I had "*in a manner*" admittal Mr. Reade's charge; but when pressed to state what phrases I used to constitute this *quasi* admission, Mr. Carr was compelled to acknowledge that he could not recall any which bore such a construction: and, finally, he was forced to admit, to use his own words, that I "*did not make use of words that would constitute a direct libel upon her.*" If the statements of these gentlemen contained nothing more, I think they would be positively in my favor. I am bound, however, to admit that Mr. Whiteside's statement, on the second day, does contain something more. Now it is to be observed that Mr. Whiteside made statements on two days. With his statement on the first day, the proceedings of that day terminated. In this statement he represents that he could not find out what I "*admitted having said about her,*" (Mrs. Harington); and that, when he repeated Mr. Reade's charge, I "*denied flatly having said anything of the kind.*" He goes on to state, that he told me, whatever I did state to Mr. Reade, it had induced him to believe that I had aspersed Mrs. Harington, and that I ought to apologize "*for having so misled him.*" That, I think, is a fair summary of the first statement. On the following day Mr. Whiteside gives, what, I submit, is a contradictory version. In the first statement, as I have aleady pointed out, he represents that he could not find out what I admitted about Mrs. Harrington; whereas, on the second day, he volunteers this alteration, that I did virtually repeat to him nearly the whole of the accusation made by Mr. Reade. It is impossible to reconcile two such inconsistent statements, viz:—that in the one I "*denied flatly,*" and in the other I did "*virtually repeat.*" Of course these are obviously contradictory, unless, I should be represented in each statement as having done both, which however, is not the case. The latter,

on the contrary, is clearly substitutionary of the previous one. This is a very curious, and remarkable, circumstance. Mr. Whiteside was well aware, beforehand, of the purpose for which he would be examined; and if he had known that I had admitted what he afterwards stated that I did admit, one would expect that he would have said so from the first. That his first statement is the true one, I contend from that reason, and, also, from the significant fact, that the letters written by him, which are in evidence, bear out that one, and are, in terms, directly at variance with the second version. If, then, his second account is excluded, as I trust it will be, all the statements, except Mr. Reade's, are quite consistent with, and in some respects support, my account of the conversation with him.

I think I have now fairly demonstrated, from all the foregoing circumstances, that this ground of complaint, which, after having slumbered for nearly a year, is now revived in so extraordinary a manner, has not been made out against me.

Remarks on the second Charge.

I do not think, that I need occupy much space, in defending myself on the second charge. That charge is "with having grossly, and deliberately, insulted the Civil and Session Judge, Mr. Ellis."

In the inquiry, Mr. Ellis gives the particulars of the complaint he makes. He says that I went to his house on the 5th September 1864, and showed him a letter in Mr. Reade's hand-writing, and asked him if he was cognizant of its contents; that he, Mr. Ellis, admitted the fact; whereupon I am represented to have stated, that I considered him guilty of gross impertinence, and to have added, in the form of a question :—"Were you not guilty of slandering the late Mr. Pugh?" and to have gone on to state, that I had not been two or three days in the place, before Mr. Wood warned me against Mr. Ellis, as a mean and treacherous man. I am also charged with having stated, that I warned Mr. Ellis not to cross my path; and that he had quite enough in his own family to occupy his attention.

What I did is as follows :—I went to Mr. Ellis's house on the 5th September, and, showing him Mr. Reade's letter, asked him whether he was concerned in the sending of that letter to me; which having admitted, I charged him with impertinence for his unwarrantable interference in the matter, and I also asked him :—When he was called to account by Mr. Pugh for slandering Mrs. McDonell, did he not repudiate his, Mr. Pugh's, right to interfere? whereas in this instance he has adopted a directly contrary course, by encouraging Mr. Reade's interference on behalf of Mrs. Harrington. I told him that Mr. Wood had warned me against him as a meddling and dangerous man; that I had hitherto avoided crossing his path, that he had quite enough to occupy his attention in his own family circle; and I warned him not to interfere with me.

The only substantial difference between Mr. Ellis's and my versions of this affair is, as to what was said in reference to Mr. Pugh; and the particular terms of the warning which Mr. Wood had given me with regard to him.

Now Mr. Ellis states, that I said to him :—"Were you not guilty of slandering the late Mr. Pugh?" whereas I state that I said, "when Mr. Pugh called you to account for slandering Mrs. McDonell, did you not repudiate his right to interfere." Now, if it were known what actually took place between Mr. Ellis and Mr. Pugh,

and what the current report was in regard to it, there would be scarcely any question as to what it would be likely that I would say, and that I did say. I sought, during the inquiry, to elicit from Mr. Ellis what did actually occur between him and Mr. Pugh. But I was not permitted to put the questions I proposed in reference thereto, on the ground of irrelevancy. I had heard, repeatedly, what I stated to Mr. Ellis, about Mr. Pugh's calling him to account in the way specified; and, under that impression, I asked the above question. This report has not been contradicted, and I submit that it is more likely that what I say is the correct account of my reference to Mr. Pugh. As to the other difference, whether I said that Mr. Wood warned me against Mr. Ellis, as "a mean and treacherous man," or whether I said, merely, "a meddling and dangerous man;" and considering what had taken place, and the ground of my complaint, I submit that it is more likely that I used the language which I admit, that of "meddling," than that which is attributed to me by Mr. Ellis. At all events, whatever I said to Mr. Ellis was in reference to private affairs; and I considered that I had been wronged, by the course which he had taken in interfering between me and Mr. Reade. Perhaps I did not take the most advisable, or the proper, course, in going in person to Mr. Ellis's house to call him to account, as I did. Such, at all events, was the view pressed on me by Mr. Whiteside, to whom I deferred, as a mediator, in the matter; and, on his recommendation, I apologized, in terms which were accepted as ample and satisfactory by Mr. Ellis.

Mr. Ellis now seeks to make out that this apology contains an admission, that I "*had not hesitated to make assertions that are false.*" I made no admission at all, nor was any question raised as to what I had stated to Mr. Ellis. The ground of complaint was having gone to his house and insulted him. The whole tenor of the evidence, on the correspondence, shows this to be the case. The apology contains, no doubt, ambiguous words; but it was drawn up by Mr. Whiteside and Mr. Carr in that way, as Mr. Carr especially states, because I had denied Mr. Ellis's particular version of the reference to Mr. Pugh, and that he wished to "*draft that sentence* "*without making Mr. Caldwell stultify himself.*" From these considerations, I do not think that I can reasonably be held to have admitted that I made assertions that are false. And it is only when the third charge was preferred against me, nearly a year afterwards, that an endeavour is made to represent the apology in that light.

Remarks on the third Charge.

The third charge against me is, "with having defamed the character of Mr. Ellis, and that of Mr. Harrington, the Executive Engineer, by accusing the one of having offered, and the other of having accepted, a bribe, as an inducement to the latter to slander him, Mr. Caldwell."

The charge, according to Mr. Clarke's statement, arose in this way: that I called on Mr. Clarke on the 26th March of the present year, and, in the course of conversation with that gentleman, I stated to him, that Mr. Ellis had offered, or given, the sum of three hundred Rupees, as an inducement to Mr. Harrington to slander me, and that Mr. Harrington had accepted it. I humbly submit that there is a monstrous improbability on the face of such a complaint, except on the ground that I was extremely reckless in my conduct, and totally indifferent as to consequences, or else not in possession of my reason, that I would deliberately go to any

one's house, and make such a communication. This is rendered the more improbable from the way in which, according to Mr. Clarke's evidence, the communication was made. Mr. Clarke represents that he cannot tell what led to the conversation, and that nothing transpired between us about Cuddalore, or those connected with it; and that, in fact, the words which constitute the ground of complaint, were "*a* "*perfectly isolated and unconnected sentence.*" What is equally curious is, that, according to Mr. Clarke, I was "*perfectly calm and collected, and talking to him in a friendly way.*"

My account of the conversation is:— that I called on Mr. Clarke, and had a very long and friendly talk with him, touching on many subjects, and discussing, as was natural under the circumstances, the Cuddalore people and affairs. The only remark that I can recollect having made, that at all approached to, or that could in any way be regarded as, the foundation of what Mr. Clarke charges me with saying, had reference to a journey which Mr. and Mrs. Harrington made in September, or October, of last year, in the course of which, going and returning, they twice visited Mr. Clarke at Tranquebar, and was to the following effect: that Mr. Ellis had given them, the Harringtons, Rupees 300 to meet the expenses connected with the journey. I made this observation with regard to difficulties, in which it was generally understood the Harringtons were involved; and, to the best of my recollection, I remarked, in continuation, some time during the conversation, that had they been on terms with me, they would probably have counted on more substantial help from me.

That Mr. Clarke may have connected this visit of the Harringtons with certain slanders is probable; and it is even certain that he did so, on a previous occasion, shortly after the visit of the Harringtons referred to, when he informed both me and Miss Caldwell, that Mrs. Harrington had uttered certain slanders of Miss Caldwell; but I solemnly assert, now, as I have already done in my letter to Government of the 3rd June, that I never for one moment thought of connecting the receipt of this money by the Harringtons with the slanders in question, nor did I use any expression to imply any connection between them, or to convey the idea of any negotiations of any kind in the matter. In relating this circumstance to Mr. Clarke, I need scarcely point out that I have attributed nothing dishonorable either to Mr. Ellis, or Mr. Harrington; and, I may add that, even if I had ground for charging Mr. Harrington with speaking indignantly or disparagingly of me, which is not the case, I should be ready to admit that he had ample justification, and abundant inducement, for so doing, in the wrong which I am accused by Mr. Reade of having done him, in the person of his wife, without the incentive of a bribe. Moreover, as regards the slanders, which, as before remarked, Mr. Clarke has connected with the visit of the Harringtons, above referred to, I have never, for a moment, been led to understand that any of them were uttered by Mr. Harrington, or concerned me.

A question may here arise, from a part of Mr. Clarke's evidence, whether the occasion to which my remark referred, was not some other than the visit of the Harringtons to Mr. Clarke, above specified, in September or October last. But that it was so understood by Mr. Clarke, as well as by me, clearly appears from the passage quoted from his letter to Mr. Reade of the 28th March, as well as from his

statement before Colonel Temple, wherein he expressly states, that, on hearing me make this assertion, he used the words :—"There you go again, Caldwell, at the "old story, *the Cuddalore matters*", coupled with the consideration that it was on the occasion of this visit of the Harringtons, that Mr. Reade forwarded through them to Mr. Clarke, the papers connected with the recent differences at Cuddalore; and that the Harringtons have never since visited either Mr. Clarke or Tranquebar.

Another point will, perhaps, arise, as to whether mention was not subsequently made of any slanders during the interview, and no doubt there was, towards the close of the conversation. But on this point I submit, that not only does the evidence fail to show that any such allusions were connected with the name of the Harringtons, or the money which they received, but Mr. Clarke himself connects them with Captain Swanston; and in his letter to Government of the 19th July, and throughout his evidence, he is urgent to make it appear that it was with the object of defending himself from implication in the matter of a slander attributed to that gentleman, that he brought forward this matter of the Harringtons. He goes so far as to state, in his letter to Government of the 10th May, "*What connection exists between such a statement, if made by me, and Mr. Caldwell's accusation against Messrs. Ellis and Harrington, I am unable to understand.*"

This, then, I submit, as a point that is clearly proved, that my remarks about Messrs. Ellis and Harrington, whatever they might have been, were wholly unconnected with anything else touched on in the conversation; and that, as Mr. Clarke has stated, they were completely isolated.

Now it will be observed that Mr. Clarke did not prefer this charge directly against me, and, according to his own evidence, did not even wish that the remarks which he attributed to me, should be communicated to the parties concerned. It arose in this way, Mr. Clarke, in a letter to Mr. Reade, which I have already designated a gossiping letter, and which, so far as we know of the circumstances of the case, and the terms of the only fragment of it which is allowed to appear on the face of the proceedings, is such as to justify this designation, makes reference to the conversation on which this charge is formed. Mr. Reade, my old and bitter accuser, had then something which he thought he would turn to account against me; and with this view, contrary, as it now appears to the desire of Mr. Clarke, he put Mr. Ellis, one of the gentlemen who is so seriously involved in the alleged remarks, and whom I am accused of having insulted before, in possession of the matter; and this too, without the sanction and knowledge of Mr. Clarke. This is another strong proof of Mr. Reade's not having "*the peace of the society of the station*" at heart, but of entertaining from the time of the difference between us, which is the foundation of the first charge, a deep, abiding, and unjustifiable feeling of malignity towards me. The letter which was written by Mr. Clarke to Mr. Reade, has not been allowed to be put in evidence, though I sought its production. The use made by Mr. Reade of a single passage selected out of it, has given rise to this, as well as to the other charges. Now if the letter were produced, it is possible that it would afford some additional light as to the kind of interview had between me and Mr. Clarke; and the way in which Mr. Clarke might have regarded the matter. I think, then, that its absence is a ground

of just complaint on my part, especially when we find that there are various versions given of the representations alleged to have been made in that conversation.

We have these different accounts:—At one time it is stated that a bribe had been offered to Mr. Harrington by Mr. Ellis to slander me. At another, that Rupees 300 had been given to Mr. Harrington for that purpose; at another that Rupees 300 had been given as an inducement. It will be found that this isolated passage from Mr. Clarke's letter, is silent as to "*a bribe*" having been offered: and it will now be found on examination of the whole proceedings, that a bribe is only mentioned in the letters which lay the complaint before Government, while I am now freed, by Mr. Clarke's evidence, from the charge of having used that word at all. A complaint, which consists of having offered, or given, a bribe, appears, from the terms used, serious in itself, and especially in this country, where so much depravity and turpitude are associated with such expressions. It is quite clear that, in making this charge against me, it was desired to frame it in terms of significant suggestion, but which, it now appears, were both untrue and resentful. The various accounts given of the words used by me differ, not merely verbally, but also in respect of the ideas which they suggest; and, as the whole charge rests on a few words, selected out of a long and unguarded conversation, no version ought, in fairness, to be pressed against me unless supported by strong corroboration.

The discrepancies which I have pointed out, are important in another point of view, *viz*: as showing that Mr. Clarke labored under great confusion of ideas. This appears also from many matters, which, in other respects, are comparatively unimportant. I refer, especially, to the many mistakes which he has committed with respect to dates. He twice gives incorrect dates, as to when the conversation took place; and, most probably, gave another incorrect date with regard to it in his communication to Mr. Ellis. Moreover, in his letter to Government of the 19th July, he states that my visit "*took place on the 2nd April*", and that "*either on that same date or the following day*, 3rd *April*," he wrote to inform Mr. Reade that the Prince of Schleswig Holstein was to be with him "*on the morning of the 4th April*", whereas it was in Mr. Clarke's letter of the 28th March, written *two days* after the interview, that he communicated to Mr. Reade the movements of the Prince; and the Prince had actually arrived a week before, and had either actually left, or was about to leave, Tranquebar, on the 4th April. This confusion is explained by Mr. Clarke by stating, that he was misled by consulting the almanac. But if that is the explanation of each mistake, he must have consulted the almanac many times, and each time was misled by it. This is an unaccountable state of things; for, in the first place, the transactions were so very recent, that there was no necessity at all for consulting the almanac; and, if Mr. Clarke thought it necessary to consult it to help his memory, in reference to almost contemporaneous matters, there is no reason why his having done so should be the cause of so many mistakes. From these frequent mistakes, and from his inability to adhere to almost any form of words alleged to have been employed by me, and also from the contradictions and discrepancies in his statements, it may fairly be concluded that Mr. Clarke's memory is very defective, and that he labours under confusion of ideas. This is my own experience of him; and I fearlessly assert that it is a matter of notoriety, wherever

he is known, that his memory is bad, his ideas confused, and that he constantly misunderstands, and misconstrues, what he hears.

It may be thought that Major Clarke's evidence corroborates so strongly the evidence of his brother, Mr. Clarke, that it ought to be received as true. To this part of the case I would request very serious consideration. If Major Clarke's evidence could be regarded as correct, and it bore out the statement of his brother, I admit that it would make much against me in a question upon the balance of evidence. Now the first thing to be observed in reference to his statement is, that he was only heard of subsequent to the time that the charge was made, and after my solemn denial of it, and after Government in their proceedings had ruled in my favor, remarking that it was "statement against statement, as no third party was present." It was after this, for the first time, that it was intimated that a third party, in the person of Major Clarke, over-heard what took place; thereby meeting, it would appear, the very point in which the case was defective, in the estimation of Government. An effort may be made to explain the non-production of the evidence in the first instance, on the ground that the production of it was not necessary. But this excuse ought not to be allowed, as, before the matter was referred to Government at all, I had denied emphatically the truthfulness of the charge. That denial would, at once, suggest the necessity of seeking corroborative proof of the statement to which it was a denial, if any such were forthcoming. And one would also expect that when the complaint was laid before Government, not only would reference be made to this corroborative evidence, but the greatest reliance would be laid upon it, in order to destroy the effect of such emphatic denial. But, as I said before, it was not adduced until the order of Government was passed which indicated the necessity for it. This is really very remarkable.

Let me now look at the evidence furnished by Major Clarke. I tried to show, during the enquiry, that he could not speak to any fact in reference to what took place in the conversation between his brother and me, inasmuch as he was not in the house at the time. My sister has stated that she saw him leave the house as I entered it, and she is corroborated in that statement by her servant. They, as well as myself, are also positive that we saw him enter the house after I had left it that morning. I have authority for stating from my sister and her servant, and I also state for myself, that we are prepared to depose in a Court of Justice to the truthfulness of our assertions. Now, taking into account the withholding of this evidence in the first instance, and its incompatibility with the evidence in support of which it is adduced, and to which I will refer for another object immediately, coupled with our joint solemn contradiction of it, I submit that, if the matter were to turn upon a balance of testimony, we ought to be believed. It might possibly be that Major Clarke's statement might have reference to some other interview between me and his brother, as he himself at first fixes the date in a different month; and thus the divergence in our statements might be accounted for, for there is some intrinsic evidence in it, which shows that the facts mentioned by him, and the nature and character of the interview, are inconsistent with the one deposed to by his brother, Mr. Clarke. Whether it is a mistake of this kind or not, I will not now stop to discuss; for I conceive that, in the present proceedings, I am not completely driven to such an alternative. Mr. Clarke represents, that I

was quite calm and collected, and, to use his own words, that *"we had been talking in a friendly way."* Major Clarke, on the other hand, states, that he was in the next room, and that his attention was first drawn by reason of his hearing an angry conversation between his brother and me. Could there be well a greater contradiction? Major Clarke then says that he heard the words:—Mr. Ellis had given Mr. Harington Rupees 300," and he says this is the first thing he heard. How remarkable, that if there had been loud and angry talking before, which he heard, that the first thing which he could distinguish was, *totidem verbis*, what Mr. Clarke represents me to have said! The interview is represented to have lasted for about an hour, Mr. Clarke, in his letter to Government of 10th May, represents that, after the remarks were made upon which the complaint is founded, "*the interview terminated*;" while Major Clarke states that I made the remarks complained of within five minutes after the commencement of the interview. I need scarcely comment on such glaring discrepancies. These contradictions appear upon their own statements. I had no opportunity of examining them, to any extent, in reference to other matters upon which they might have contradicted themselves, on the ground of irrelevancy. If I had been allowed to do so, I have no doubt that I would have elicited other things nearly as contradictory as those which I have already pointed out. I hope, then, that the strong contradictions which are established, will not be considered of less importance on account of their being nearly the only ones. There are some minor ones upon which I might also place reliance, but I do not like to dwell on any but the most salient, and prominent, points, as I am conscious of having already occupied a considerable space in the remarks which I have made. On reference, however, to the whole evidence of these two gentlemen, it will be found that there are not only great incongruities and inconsistencies, but positive contradictions.

Since the termination of the enquiry I have received a copy of a deposition made by Mrs. Clarke, before the Joint Magistrate of Ootacamund. In this deposition Mrs. Clarke reports, that her husband, Major Clarke, was in his brother's house on the day of our interview. No doubt this appears to be, to a certain extent, a corroboration of Major Clarke's evidence. But it is to be observed, that it is merely an exparte statement, not submitted to any test, and elicited in a way about which I know nothing. At all events, in some respect it is very much opposed to the statement of Major Clarke. This gentleman states that, when he heard the conversation, he was near the dressing table at the north-west; that is, according to the plan, the farthest corner of his room. Mrs. Clarke says, not so, but that he was near the folding doors, while she was farther off; and she assigned this as a reason why he heard, and she failed to hear, what took place between me and Mr. Clarke. There is, then, in these two statements a direct contradiction; and if Mrs. Clarke's reason be a true one, why she did not hear the conversation, it follows that Major Clarke, according to his statement, from the position which he occupied, could not hear it either. There is, moreover, this difference, that, while Major Clarke says the folding doors between the rooms were open, and thus accounts for his having heard what took place, Mrs. Clarke states that the folding doors were shut.

I have now adverted to all the points, that I consider myself imperatively called upon to notice. I regret that I should be compelled to trouble Government with

remarks at such length; but I could not, in justice to myself, omit any which I have made, and I have refrained from alluding to many matters of minor importance from the fear of encroaching too much on their patience and indulgence. I have not stated anything, I conscientiously believe, except with the most scrupulous regard to truth, and I have also stated nothing for any object other than that of fairly representing my own interest. It may be thought that I have made undue reflexions upon some of the persons concerned in this enquiry. But I state most advisedly, that I have not done so from any other reason than that of meeting the accusations made against me. I have endeavored to avoid every thing like vindictiveness and vituperation, though the same consideration has not been shown to me. I have finally to urge, that, up the time of these occurrences, my character and truthfulness have never been called in question; and but for these unfortunate differences, arising out of entirely private matters, with which I have had, in their inception, little to do, I never would have been put in the position of an accused person. I rely on the justice of Government, that they will not fail to consider, with all that I have urged, that I have borne an unblemished and irreproachable character, and that I have served the State faithfully for more than twenty years. It would be, indeed, a hard fate, if now, at my time of life, and on such charges arising out of private differences, it should be held that I had forfeited in any way the rewards due to unblemished character and faithful service.

MADRAS, (Signed) EDWIN CHAS. CALDWELL.
1st *September* 1865.

I object to any question being put to me, which in any way brings in the name of others—whether friends, or not, of mine—and who are in no way mixed up, or concerned, in the immediate object of the inquiry, and for which Government have called me to testify to. Any opinions, casually or otherwise expressed, whether in writing or verbally, in familiar social intercourse with intimate acquaintances or friends, are not, in my judgment, in any way relevant to the subject of the present investigation; and with all deference I object to any question of the kind being put to me, or to any letters of mine affecting other people, if there be any such, being produced in this inquiry, and I earnestly request that this my objection be recorded, and, if necessary, referred for the decision of Government.

(Signed) C. W. READE,
Collector.

15*th August* 1865.

Before Major Clarke makes his statement, I wish to make this remark—that Major Clarke did not make any statement when the charge was first brought against me, and that it was only after the order of Government was passed, in which it was recorded that no third party was present, and that it was therefore statement against statement, that it was intimated that corroborative evidence could be furnished, in the person of Major Clarke. I know, from the subsequent letter of Mr. Clarke, the statement which Major Clarke is to be brought forward to make to-day, viz, that being in the next room, he overheard the alleged conversation. Now I think it right to state, before Major Clarke makes his statement, that I am in a position to prove that he did not overhear the alleged conversation, inasmuch as he was not in the house at the time when it took place. And independently of this fact, I can shew that Major Clarke ought not to be believed, if I am allowed to put, what I apprehend to be, proper and necessary questions for the purpose.

(Signed) E. C. CALDWELL,
Inspector of Schools, 4th Division.

19*th August* 1865.

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Proceedings of the Madras Government, Public Department, 7th October 1865.

From E. C. CALDWELL, Esq., Inspector of Schools, 4th Division; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George; dated Madras, 17th August 1865.

I have the honor to bring to the notice of Government the way in which the inquiry, ordered in the Proceedings of Government of the 2nd August, is being conducted, and to enter my respectful protest in reference thereto.

2. The inquiry, as Government is aware, is one founded on charges of a personal character made by Messrs. Reade, Ellis, and Clarke, against me. The inquiry, to be of any value in order to elucidate the truth, ought to embrace all relevant matters connected with the complaints so made.

3. Amongst the most important questions involved in an inquiry of this kind, are those relating to the antecedents and character of the persons examined in support of the charges, their relations with the persons involved in the investigations, the animus by which they were and are influenced, and the circumstances out of which the charges arose.

4. I have proposed questions bearing on all these points as well as offered substantive evidence in relation thereto, but the questions would not be allowed to be put, nor would the evidence so offered be received. I think it right to add that, even at my most earnest request, neither the questions I proposed to put, nor the nature and bearing of the evidence so tendered, would be recorded.

No. 33. ORDER THEREON, 7th October 1865, No. 1044.

In the Proceedings of Government under date the 2nd August last, the Governor in Council directed that an inquiry should be held with reference to certain charges preferred against Mr. E. C. Caldwell, Inspector of Schools. The charges were three in number.

1st.—That Mr. Caldwell had wantonly and groundlessly aspersed the character of a lady, the wife of one of the public Officers stationed at Cuddalore.

2nd.—That he had grossly and deliberately insulted Mr. G. Ellis, Civil and Session Judge of Cuddalore.

3rd.—That after having apologized for his conduct in the matter referred to in the first two charges, he had defamed the character of Mr. Ellis and that of Mr. Harrington, the Executive Engineer, by accusing the one of having offered, and the other of having accepted, a bribe, as an inducement to the latter to slander him, Mr. Caldwell.

2. The inquiry was conducted by Lieutenant Colonel Temple, who has submitted the depositions taken before him, together with the documentary evidence which was adduced, and Mr. Caldwell's defence.

3. On full consideration of the papers which have been laid before Government, the Governor in Council concurs in the opinion of Lieutenant Colonel Temple, that the first two charges have been fully established, but that as regards the third charge, the evidence is not sufficiently conclusive to convict Mr. Caldwell of having uttered the slander charged against him.

4. The two charges which have been established against Mr. Caldwell are of a very serious character, and were it not that they may be said to have been condoned by the apologies subsequently made by Mr. Caldwell, the Governor in Council would have felt it his duty to remove Mr. Caldwell from the important office which he holds in the Educational Department. But as the matters which formed the subject of these charges were settled by the apologies referred to, and as the

evidence in support of the third charge is such as to admit of the hypothesis that Mr. Clarke may have misunderstood Mr. Caldwell's meaning, His Excellency in Council will confine himself to making such a re-arrangement of Mr. Caldwell's charge as will put an end to his official connexion with the District of South Arcot; the record of the inquiry which has just been held, affording ample proof of the correctness of the opinion expressed in the Proceedings of the 2nd August, on a perusal of the papers then before Government, that whether as regards the interests of education or the harmony of society at Cuddalore, it is highly inexpedient that Mr. Caldwell should be permitted to continue in official connexion with the District of South Arcot. The Governor in Council accordingly directs that the District of South Arcot be transferred to the third Educational Division, and that of Trichinopoly, as well as such portion of the District of North Arcot as the Director of Public Instruction may deem it expedient to transfer, to the fourth Division. Mr. Caldwell's head quarters will be fixed at Trichinopoly.

5. In communicating these orders to Mr. Caldwell, the Director will inform him that the Government have formed a most unfavorable opinion of his character, and that any future instance of similar misconduct on his part will lead to his dismissal from the service. It is clear from the evidence which has been laid before Government, that Mr. Caldwell's behaviour in connexion with the aspersions which he permitted himself to cast upon the character of the lady referred to in the first of the charges preferred against him, and in offering an unprovoked and gross insult to the chief Civil Officer of the station was most outrageous, and such as can only be attributed to such a want of control over temper and tongue as must render him very unfit for any situation in the public service.

(True Extracts).

Acting Secretary to Government.

To the Director of Public Instruction.
To Lieutenant Colonel J. Temple.
" G. Ellis, Esq.
" R. G. Clarke, Esq.
" C. W. Reade, Esq.

Exd. J. H. Burns.

G.O. 1041 dt 7-10-86